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# POLITICAL SCIENCE QUARTERLY

## APPROACHES TO HISTORY II [1]

### II

SOCIOLOGISTS, jurists, economists and historians, just like any other variety of scholars or scientists, work with documents and data, with material of one sort or another. While we do differentiate among scholars and designate them by various names according to the work which they do, all have this in common: that no matter what particular kind of material they are dealing with, it is their *mind* which deals with that particular material.

We permit ourselves to inflict upon our readers this obvious bit of kindergarten wisdom, for one is too apt to forget it. To continue with the obvious, all our dealings with any and every kind of material are inevitably transactions of the mind. It is the mind that selects, arranges, studies or investigates the material; it is the mind that always manipulates that material and draws conclusions from these manipulations. It is, therefore, obvious that the operations of our minds should be of concern to all of us quite regardless of the particular pursuit in which we happen to be engaged. Our scholars and scientists could, however, tell us that we are living in an age of specialization, and that we have a special branch of knowledge known as philosophy, the chief interest of which is in the workings of the mind. We shall undoubtedly be further assured by them that any service which philosophy might render to their sciences will be most gratefully received, but

[1] The first of this series of articles by Professor Simkhovitch was published in the POLITICAL SCIENCE QUARTERLY for December, 1929, pp. 481-497.—ED.



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they cannot exactly recollect when a philosopher has been of assistance to modern science or to contemporary scholarship in their daily labors. Our friends could even adduce some Socratic arguments and ask why they should be expected to succeed as amateur philosophers where the learned professional philosophers failed; and why they should neglect their work, for which they are trained and in which they are productive, for the sake of engaging in tasks for which they neither claim nor have any qualifications.

Indeed our non-philosophical friends could go even farther and point out that though they work without pretending to know how their minds are working, the results of their uncritical labors have not been rejected by philosophers, but rather does modern philosophy follow wherever uncritical empiricism seems to lead, and instead of suggesting methods to science, it seems to have been adjusting its own thinking to any haphazard scientific method temporarily in vogue. And so our unphilosophical friends, therefore, might perhaps be able even to go so far as to attribute their accomplishments and success to their very lack in interests philosophical. They might merrily quote from Goethe's *Xenien*:

*Wie hast du's denn so weit gebracht?*
*Sie sagen, du habest es gut vollbracht.*
*Mein kind! Ich habe es klug gemacht,*
*Ich habe nie über das Denken gedacht.*

Such argumentation, however, is only shifting the blame on philosophy, as a serious and helpful study of the mind. So general a statement, of course, implies a general situation, and what the difficulty is with the general situation is not so hard to discover: The philosopher, as we know him, presents himself to us in two aspects: the student of cognition, the epistemologist and logician on one hand, and on the other, the correlator of our knowledge, the world-view artist, the political and social prophet, poet, reformer and educator. Here, and for the time being, philosophy is of interest to us only as a study of the workings of the mind. As an epistemologist or a logician, the philosopher has dealt with the

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universal qualities which all human minds have in common, no matter when, no matter where, no matter what problem they may be struggling with, no matter what end they may be pursuing. Dealing, as the philosopher has done, with the mind in its universal aspects, his attention has not been focused on how the mind deals with a *specific* problem. In the actual work-a-day life of mankind the mind has always been working on specific problems.

It has, however, occurred to the philosopher that he could deal with the mind not engaged in any particular work—deal, in other words, with the "pure" mind, with the "pure" reason. Whether the philosopher gains anything thereby is for him to say. Should the philosopher claim that he gains true and perfect knowledge of the empty mind, we will not dispute the claim, for this claim does not interest us; but what the philosopher seems to have overlooked is the mind *at work,* the peculiarity of its actions when engaged in any specific labor.

Let us see what a so-called specific problem consists in. It is not the specific material that constitutes a specific problem, but a *specific approach* to the material. Furthermore, our mind cannot touch the material of the world, cannot deal with it, without a definite approach. This approach does not belong to the material; it belongs to the mind. The approach is not formed or fashioned by the form of our thinking with which the philosopher has bothered so much. The approach is fashioned by our general attitude and our specific aims, or by a complexity of attitudes which all belong to the realm of our mind. These attitudes may or may not be of an emotional nature.

Thus, even if we choose to consider only universal elements in our actual mental operations, we shall find attitudes universally inevitable. We shall find our thinking controlled by unconscious attitudes, or framed by conscious ones dealing with the material of the world through definite approaches.

It is indeed strange that philosophy should have neglected this realm of attitudes and approaches, especially so since its own history, the history of philosophy, is nothing else but a

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history of attitudes, and the work of all the great philosophers has consisted in undermining old attitudes and fashioning new ones. And in doing so, they were indeed offering new worlds for old.

It is customary to separate our life of reason from our emotional life. Such separation has its subtle purposes and performs a service, but no matter how we organize and systematize and subdivide our life, one thing is certain, the subdivisions are parts of the same unity—human life at work.

All our efforts are specific efforts; their very definiteness isolates them and separates them from the rest of life. By the same token and for efficient handling, we isolate larger groups of cognate efforts; we consolidate these groups into still larger continents—and thus, of course, we can divide life, if we so choose, into phenomena of reason and of emotion. Do not let us, however, take too seriously the names that we have given to stars or the names we have given to our own subdivisions within our own life. The life of reason is a thing apart from the life of emotions only as a matter of our own classification.

If our adherence to a revered tradition is emotional, if a struggle for emancipation from such a tradition is apt to stir all the passions of our soul—then indeed all attitudes are tainted by an emotional quality. The unconscious attitudes that control our purely mental processes and the unconscious attitudes that control our emotional reactions are of the same substance. They are controlling contingents. It must have been a great help to our emotional life to appeal to reason, and find in it a quasi-objective rational support. It is quite amusing to consider that the scholastics were the past masters of logic and used it for purely emotional purposes. They found logical proofs and evidences for their religious concepts and, needless to say, with their logic they found the proofs and evidences they wanted to find, and they were comforted. Of course the antireligious attitude, as profoundly emotional as the religious one, thrived to a still greater extent on its appeal to, and the operations of, " reason ".

Thus, so far as the rank and file of humanity are concerned, we can only say that we have been framed. We are

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framed in our mental operations as we are framed in our emotional reactions. We were not born framed, but we have gone through that laborious process known as education, which frames our minds and controls our emotions and prepares us for the lives that we are to lead in our respective social milieux. The interesting thing is that though we have never bothered with the theoretical considerations of attitudes and their significance, we can hardly claim such naïveté in practical life.

The Catholic Church, which carries in this country the heavy burden of maintaining parochial schools and even secondary and higher schools, is certainly not unaware of the fact that education definitely molds human character as well as mental processes and emotional reactions. And if we should go from the Church to the other pole—Soviet Russia—we should find precisely the same practical cognizance of the molding and forming of attitudes. Permit me to quote a page from our great philosopher who visited Russia and observed closely its educational system. In summing up the situation, John Dewey tells us:

> It remains true that we have here a striking exemplification of the conscious and systematic utilization of the school in behalf of a definite social policy. There are many elements of propaganda connected with this policy, and many of them obnoxious to me personally. But the broad effort to employ the education of the young as a means of realizing certain social purposes cannot be dismissed as propaganda without relegating to that category all endeavour at deliberate social control.
>
> Reference to this phase of Soviet education may perhaps be suitably concluded by a quotation from Lenin that has become part of the canonical scriptures of Bolshevist educational literature, for it indicates that, were it necessary, official authority could be cited for the seemingly extreme statement I have made about the central position of the schools in the procreation of a communist ideology as a condition of the successful operation of communist institutions.
>
> "The School, apart from life, apart from politics, is a lie, an hypocrisy. Bourgeois society indulged in this lie, covering

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> up the fact that it was using the schools as a means of domination, by declaring that the school was politically neutral, and in the service of all. We must declare openly what it concealed, namely, the political function of the school. While the object of our previous struggle was to overthrow the bourgeoisie, the aim of the new generation is much more complex: It is to construct communist society."[1]

The practical educators of Soviet Russia do not talk of implanting definite mental attitudes, but they have much to say about molding of "character". But what is "character"? "The conception of character," writes Pinkevitch, "should embrace the sum total of the elementary interests, sympathies and antipathies, and of the intellectual, personal and social habits acquired during the life of the individual."[2] Soviet Russia, he boasts, is doing what every state does, but with greater clarity of purpose.

> The French Revolution in its demand for the definite subordination of education to the political aims of the new state faced this question in a remarkably direct and frank manner. Moreover, do we not observe the same tendency in all countries, in both Europe and America, during the nineteenth century? And our great Russian Revolution pursues an identical policy, but with greater clarity and with greater honesty than the capitalistic nations.[3]

Pinkevitch, however, though president of Moscow University, is considered a "conservative". The man primarily responsible for Soviet school methods, Shoolgin, is so crisp and definite that we venture to treat the reader to one more quotation.

> You ask about the labor school? Excellent. It is a school which trains warriors for the ideals of the working class builders of a communistic society. It is throughout, from top to bottom, saturated, therefore, with contemporary life; it is organized by children with the aid of leaders on a labor basis;

[1] John Dewey, *Impressions of Soviet Russia* (1929), pp. 81-83.

[2] Albert P. Pinkevitch (President of the Second State University of Moscow), *The New Education in the Soviet Republic* (New York, 1930), p. 100.

[3] *Ibid.*, p. 24.

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> it is called to life by the advance of economic development. It is a work school; it is an evidence of the fact that the bourgeois society is dying, that in its turn, the class-builder is coming, that his aims are the aims of the School, and that he will realize those aims through the School.[1]

The controlling significance of mental attitudes in the workings of our mind is not discussed by our practical educators, the attitude as such is neither isolated nor studied; but a blind man can see how it is sensed and used consciously for forming, framing and controlling the very behavior of our mind. To assert that time and space and causation are forms of our thinking certainly does not characterize the definite type of thinking that these Soviet educators are molding. Formal logic whether of the Aristotelian or of the modern relationships type can be equally well used by the parochial school or by the Soviet labor school. Quite as obviously this logic does not give definite form and character to our mental processes any more than grammar or articulate speech, as such, controls the meaning and content of what we may say. In very plain language, therefore, our formal logic as well as our epistemology are of doubtful value in dealing with the *specific* labors and quests of this mind of ours. Of signal importance are only our attitudes, their purport and direction, and the specific approaches without which we can handle no material whatsoever. As for history, whether in parochial schools or in Soviet Russia its attitudes are perhaps more crisp and definite than in our more liberal secular histories, but to deny our histories definite attitude and equally definite social purposes would be absurd.[2]

[1] *Ibid.*, pp. 199-200.

[2] In the New York *Herald-Tribune* of Sunday, Oct. 12, 1930, Section II, there is the following communication from their Rome correspondent:

"ROME, Oct. 7.—A series of state textbooks for Italian elementary schools, which has been completed in time for the beginning this week of the school year, constitutes a new step in the campaign to make Italian youth safe for the Fascist revolution. As had been predicted, the series is 'permeated' with Fascism and with its corollaries. Besides containing short sketches dealing with Italian heroes of the late war, the glories of ancient Rome and of the new Italy, and the need for maritime expansion, there is much about the Black

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Does such an assertion require proofs? Then let me give a few quotations, all of them taken from Teggart's *Prolegomena to History*. Let us first quote Teggart's own opinions. They are interesting, whether we happen to share them or not. He tells us:

> A Mommsen, Ferrero or Eduard Meyer may present the picture of a distant past, but he speaks always with the voice of his own generation, and gives utterance to the ideas and aspirations of his own community. The historian, far from being open to condemnation, is true to his calling when he follows his "natural impulses, like the common run of men" for he does not write as a scholar, but as the spokesman of his people.[1]

Further on he tells us that "in giving expression to national pride, history provides a body of ideas which serves to unify the attitude of the individuals of a nation toward their common country; in fact, the feeling of nationality is due primarily to a common pride in past events".[2] Or, as Fustel de Coulanges expresses the same thought:

> *Le véritable patriotisme n'est pas l'amour du sol, c'est l'amour du passé, c'est le respect pour les générations qui nous ont précédés.*[3]

Shirts, Fascist martyrs, the Fascist party, Balilla, as well as a brief biography of Mussolini.

"The most elementary volume in the series, which would be known in America as a primer, is followed by 'readers' with graded reading lessons in both prose and poetry. Illustrations of the series are for the most part futuristic. A considerable part of the primer is given to incidents in the lives of two children, Bruno and Mariolina, both too young for the most elementary of Fascist children's organizations, but both aspiring to join them."

In these primers and readers "History" is of course not neglected. So, for instance, we read in the same letter from Rome:

"A recurrence of May 24 brings a conversation between the boy and his father. 'Today,' said the father, 'is May 24, the anniversary of the war which we waged and which we won before the others.'

"'Why before the others?'

"'Because there were soldiers fighting on the other fronts, French, English and Americans. But the greatest victory, the decisive victory, was gained by us at Vittorioveneto and it was so great and so far-reaching that it put an end to the World War which had lasted four years.'"

[1] F. J. Teggart, *Prolegomena to History* (University of California Press, Berkeley, 1916), p. 208. [2] *Ibid.*

[3] *Ibid.*, p. 209. Fustel de Coulanges, *Questions historiques* (Paris, 1893), p. 6.

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With such ideas about history, as a prevailing type, we would hardly quarrel. Professor Teggart is on somewhat insecure ground the moment he becomes himself an historian. For instance, he tells us that "the potency of this type of emotionalized information for inducing unity of sentiment and action is one of the notable discoveries of the nineteenth century." [1] And though he attributes this discovery to Stein, because Stein started the publication of the *Monumenta Germaniae Historica* with its motto "*Sanctus Amor patriae dat animum*", we are rather inclined to believe that the discovery is a very old one. The "emotionalized history", as Teggart calls it, is a story as tedious as it is old. Is there much doubt of the attitudes of a Tacitus or a Livy? Not only Roman history, but the Roman epic as well, is thickly purposeful and its "educational" attitude is so obvious that we are not surprised that Virgil's last will directed that it should be burned. It must have been very trying for Virgil that Augustus was not endowed with the soul of an artist, and poor Virgil's "publicity" work had to be festooned with tinsel. But his work was done; Rome was moving on its "predestined" course. Of course, the Romans were not the only chosen people. Incidentally, one remembers the prologue to the *Lex Salica,* the barbarian code of the Franks. If memory serves us right, there is somewhere in the prologue a *Vivat Jesus Christus!,* who elected the Franks and whose arms he especially protects. Thus the Franks are also a chosen tribe! Needless to say, in this connection Jerusalem should never be forgotten, for should we not prefer it to our chief joys, our tongue may cleave to the roof of our mouth and our right hand forget her cunning!

The "educational" significance of "emotionalized" history is, therefore, hardly a nineteenth-century invention, but it is true that the nineteenth century seems to have made signal use of "emotionalized" history, and the historian seems to have lost his amateur standing and become a professional. We shall deal later on with the historical outbreak of the nineteenth century, but what interests us here is the attitudes that govern our historical approaches and the vicissitudes of these attitudes.

[1] Teggart, *op. cit.*, p. 209.

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When we center our attention upon them, we cannot help noting that we are dealing with at least two different types, though it is not always easy to draw a line of demarcation between them. These two types are: attitudes of which we are conscious, and attitudes of which we are unconscious. The conscious attitudes are instrumental in their nature. For reasons that are sufficient, for purposes that we are consciously pursuing, a given attitude suggests itself as promising and helpful. True enough, these aims and purposes of ours, as well as our conscious attitudes, are quite likely to be rooted in attitudes of which we are wholly unconscious. Theoretically, we are masters of our conscious attitudes, we can change them as consciously as we adopted them or construed them, but we certainly do not master our unconscious attitudes, so long as they remain unconscious. In fact, our way of mastering our unconscious attitudes, in which we are framed, is to become conscious of them, and to expose them to the light of our consciousness. They govern us in darkness and in twilight, and lose their unchallenged sway when brought out in the light. So-called psychoanalysis, which in its popular application is a dilettante meddling with our unconscious sexual life, has, after all, the merit of attempting to translate the unconscious into terms of the conscious, and thus exposing to a conscious understanding the control that unconscious attitudes exert over us. If psychoanalysis is trying to bring to our consciousness the unconscious attitudes, what is it that the educational system of Soviet Russia is doing? It is sinking conscious attitudes into the unconscious. It is consciously endeavoring to create an unconscious framework for mental reactions. It is by sinking into the unconscious that these attitudes become undebatable; they become part of what we call "human nature". Russian discussions on education are very interesting, for, as a matter of fact, all education is doing something of this sort, but in a liberal state, with its love of freedom and its intellectual aspirations, the process is neither so obvious nor so crude.

We are meeting experience with a framed mind, but of course both the mind and its frame are themselves products of

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experience; they are adjustments of earlier frames to new experiences that have undermined the old frame and forced a modification. This is the story of our life pilgrimage from the days of yore when our great-grandmother (according to our latest ultra-scientific genealogy, a bit of mildew) started on her adventurous career. This career is so inspiring that one is almost inclined to believe with Condorcet that there is no limit set to the progress of our mind, strange as its operations may have been. It looks as if we were lifting ourselves by our own bootstraps, and we shall undoubtedly continue to do so. If this procedure may still sound illogical, do not worry about it! Our poor logic is reforming and logicians will yet demonstrate that pulling ourselves up by the straps of our own boots is part of the great order of things, in keeping with laws mechanical, human and divine.

"Dogmas" are not looked upon with favor in our generation, yet the word means simply "teachings"; we acquire "teachings" by education, and thus "educated" we meet the world. We are "educated" in certain attitudes and in their light we see the world. But the pressure of experience forces us to abandon or modify our attitudes. This process may be slow or rapid depending upon circumstances. On June 22, 1633, the dignitaries of the Roman Church, in solemn congregation assembled, pronounced their judgment over Galilei, and declared that the doctrine that the earth is neither the center of the universe nor immovable, but rather moves in a daily rotation, is false philosophically, and theologically considered is at least erroneous in faith.[1] Accordingly we find on the *Index Expurgatorius* the works of Galilei, Copernicus and Keppler as late as 1819, but in 1822 a decree is issued permitting books teaching the motion of the earth about the sun to be printed in Rome. It is not the institutional side that interests us, nor the so-called "struggle" between "Science" and "Theology". What is interesting is how our attitudes are modified. And please do not think that our mind acts in one

[1] "Terram non esse centrum mundi, nec immobilem, est item propositio absurda et falsa in Philosophia, et Theologia considerata ad minus erronea in fide." Quoted in Karl Pearson, *Grammar of Science* (London, 1911), p. 20.

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way in matters of faith and morals and acts in quite another way in its scientific and worldly pursuits. If Galilei had to recant in Rome, we have also heard of a considerable amount of recanting done in Moscow. The recanting and the "decrees" are but incidents of the political organization of the groups concerned. Karl Pearson happens to remark that "Science stands now in regard to the problems of life and mind in much the same position as it stood with regard to cosmical problems in the seventeenth century."[1] As a matter of fact, so far as attitudes are concerned, our mind has always stood and presumably always will stand in precisely the same position. In our shuffling along through the pageant of life, the Galilei incident with its red robes of cardinals and equally picturesque incarceration, solemn decrees, recantations and what not, has certain scenic qualities and much more color than Tennessee could lend to the persecutions of Evolutionists. From the point of view of political experience, these incidents may show that our last and only refuge from the thousand and one varieties of humbug is liberalism in our social ordering. If, however, we consider such incidents only as incidents of our mind at work, they merely illustrate the inevitable functional limitations of our attitudes.

We mentioned the Evolutionists. No one will doubt the services rendered by Darwin and his followers, but any attitude has its limitations: it organizes things in a certain way; it sees things in a certain light or it does not see them at all. Add, for instance, to the name of Darwin another name that has become a cornerstone of modern experimental biology—that of Mendel—and ask why it is that for decades after Mendel's work was done, no one had heard of him. In fact his work was without the slightest influence before 1900. Here is an example of how an attitude formulates, limits and controls our thinking, indeed not only our thinking, but our "*seeing*". Approaching the origin of species as a result of hybridization between related types and the formation of stable intermediate forms, Darwin could not see and still less could he recognize the most obvious implications of his own

[1] Pearson, *op. cit.*, p. 20.

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experiments. It so happens that Darwin was engaged in experimenting with the same species that Mendel worked on, and obtained the very same results.[1] But Darwin was looking for other results and he, therefore, did not even see the regularity of distribution of the characteristics that he studied. Even where, by chance, he happened to notice the regularity, he failed to see its possible implications. The numerical ratios were so indifferent to him that in many instances he failed even to record them. Mendel, on the other hand, centered on the regularity of these numerical ratios which he tried to explain.

Darwin had a distinguished contemporary in Nägeli, whose contributions to the study of plant life, structural and developmental, are considered of great importance. He deviates from Darwin in considering "evolution" a quality in life itself, not a movement thrust upon living organisms from the outside. Nor was he committed to evolution through imperceptible gradual variations, but accepted the possibility of sudden and striking changes. As a result of experiments on Hieracium, Nägeli criticized Darwin's theory of natural selection; he found that external and environmental conditions of life do not alter or affect living types, and that different organisms subjected to the same conditions are not similarly affected. And thus Nägeli finally developed a theory of heredity of his own which is of no particular interest to us in this connection. But it is of interest to us that the Brünn monk, Mendel, corresponded with Nägeli, calling Nägeli's attention to the results of his extensive experiments with the hereditary characteristics of plants, sent to Nägeli the printed reports of his experiments and explained to him the very theories and conclusions that have since become so fundamental to all experimental work in heredity. If Mendel's work or his letters made the slightest impression on Nägeli, there is no evidence of it. Nägeli never so much as mentioned in his writings the work of Mendel. Mendel's achievements remained for decades completely ignored and no reference to him is made until 1900.

[1] Darwin, *Animals and Plants under Domestication*, Vol. I, p. 348; Vol. II, p. 42 *et passim*.

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"Evolution" is a fair enough example of how conscious attitudes are made and how they work. Evolution has been traced to Leibnitz's "*natura non facit saltum*", to the Greeks (Empedocles and Aristotle) and, needless to say, there were academic papers, "*Ueber die griechischen Vorgänger Darwins*".[1] In more recent years German literature has discovered in Schelling the true predecessor of Darwin. It is quite true that Aristotle perhaps recognized an ascending scale from polyp to man and some sort of a principle in life that drives it to a certain end.[2] It is equally true that Schelling's philosophy is really a mystic poem of development from the anorganic to the organic, from the unconscious to the conscious, a poem of a living vehicle of fate and creation rolling through eternity on its never-ending course. Schelling, indeed, was an interesting man and an outstanding mind, writing philosophical postscripts to the French Revolution in his little German home from which he could hear the tramping feet of Napoleon's armies. Yes, Schelling was an interesting man, but he becomes interesting only when we realize what ends his attitude was serving. It was not a new approach to biological research that filled his soul with passion, and it is needless to say that Darwin stood in no genetic relation whatsoever to either Empedocles or Aristotle or Schelling. That may, perhaps, have been the reason why he served so well and accomplished so much.

In this connection we are impelled to ask why it is that histories of philosophy, or histories of ideas in general, are written without appreciation of the passions and purposes, conscious or unconscious, that these ideas or these attitudes were serving. Ideas worth recording pursue great ends. It is only in the light of their ends that we can see them as related to the ground from which they sprang. These ends show their real relationship to their times. A genetic history that does not grasp ideas in terms of definite means to definite ends is compiling empty and useless volumes. Schelling's

[1] E. Zeller in the *Abhandlungen der Berliner Akademie*, 1878.

[2] J. Arthur Thomson, "Darwin's Predecessors" in *Darwin and Modern Science* (edited by A. C Seward, Cambridge, 1910), p. 5.

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views on any subject are very important and very significant in relation to their times, in relation to what he struggled for, what he wanted to escape and whither he wanted to lead his fellowmen. He is a predecessor of Darwin only in the sense that all past is our past, whether it be the voyages of Columbus or Dr. Paley's "Moral Philosophy"!

If we are interested in the specific formulation of Darwin's approach, his own statement is very illuminating. He writes in one of his letters:

> In October, 1838, that is fifteen months after I began my systematic inquiry, I happened to read for amusement Malthus on Population, and being well prepared to appreciate the struggle for existence which everywhere goes on from long-continued observation of habits of animals and plants, it at once struck me that under these circumstances favorable variations would tend to be preserved, and unfavorable ones to be destroyed. The result of this would be the formation of a new species. Here then I had at last a theory by which to work.[1]

This is an important statement. Malthus was not a biologist. With the ever-rising productivity of human labor, the value of his observations for organized human society is very questionable, yet they suggested to Darwin an approach of great constructive significance. The formation, perseverance, change or disappearance of species was Darwin's problem, and he now solved its riddle by approaching it through natural selection as a result of the struggle for existence and the survival of the fittest. New species arose under the influence of environment by creating new characters through use or disuse of parts (organs); through hybridization between already existing species and the formation of new stable types as a result of the accumulation of minor heritable variations; through sexual selection of mates exercised by females,—but always and primarily in the service of the struggle for existence and the survival of the fittest. "Evolution" is thus an approach, a way of looking at biological material. This way of looking

[1] Francis Darwin, *Life and Letters of Charles Darwin* (New York, 1889), Vol. I, p. 68.

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at the material automatically arranges the material and gives it the form of a developmental process. This way of approaching the material, being essentially rational, also gives the developmental process an intelligible quality. The results satisfy our understanding because this approach suggested itself as a way of understanding. Much, however, of this very satisfactory evolutionary doctrine has long been thrown overboard. No evidence, for instance, has been found to prove that environment does produce new species, in fact the weight of the evidence is to the contrary. Nor does evidence support the assumption that environment does create new characters, nor have minor variations been observed to accumulate into species; rather dc characters arise almost exclusively as a result of mutations. Yet the *Encyclopædia Britannica* is probably right in stating that "among competent biologists there is not a single one who is not convinced that evolution has occurred and is occurring".

Interesting to us here is only how the general approach of Darwin has assumed the character of a universal attitude that is affecting our mental processes. As an instrumentality, as a scaffolding, the "evolutionary" approach certainly impresses one as a most plausible approach, provided we do not forget that the evolutionary approach is in the mind, not in the material. When we talk about things that we can understand, we must remember that the understanding is supplied by the mind, not by the "things". The fundamental innovation that "evolution" introduced was the undermining of the former untenable attitude that history is not a history of change, that species in their endless history have not changed. The positive assertion is that the species are subject to change, that species have changed, that new species have arisen, that old species have disappeared. To look upon the appearance, perpetuation and disappearance of species as a "developmental" process is simply a peculiar way of looking upon this historical situation, a rational approach based fundamentally on a truism which confers upon the historical pageant of creation the order of development. One could say that the history of the species has been characterized by changes or mutations;

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those that could not survive did not survive; those that have survived, could survive; that some species could not survive, we deduce from the fact that they did not survive. True enough, there is in this survival attitude another rational "eugenic" element, the Malthusian element, applied to heredity and called "natural selection". It is a definite rationalistic approach and it is up to the biologists to determine whether this approach is or is not tenable and serviceable. Darwin himself puts this approach in a most lucid form:

> As many more individuals of each species are born than can possibly survive and as, consequently, there is a frequently recurring struggle for existence, it follows that any being, if it vary however slightly in any manner profitable to itself, under the complex and sometimes varying conditions of life, will have a better chance of surviving, and thus be naturally selected. From the strong principle of inheritance, any selected variety will tend to propagate its new and modified form.[1]

Such is the interesting approach that has constituted a revolution in "science".

We have all seen in museums of natural history reproductions of rather robust creatures that no longer grace our planet. These creatures answer to all kinds of names, such as Dinosauria, Ichthyosauria, Mammoths and what not. We may not know how they came about, but we seem to know from an evolutionary point of view exactly why they perished. But if we should try to examine this exact knowledge, and should inquire as to the exact number of calories that these creatures required for their maintenance, and the relation of these data to the productivity of the land or sea where they lived and loved, we should get, we fear, no satisfactory reply. All that we know with certainty is that these creatures perished because they were not adapted to meet the struggle for existence.

There was once a bird named the Roc. We do not know what the Roc ate, nor do we know what ate the Roc. Sinbad the Sailor might have told us, but his observations on this particular point were incomplete. However, it really does not

[1] Darwin, quoted in Teggart, *op. cit.*, p. 252.

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matter, for our approach supplies us with perfect knowledge on the subject and we know that the Roc was not adapted to meet the struggle for existence and, therefore, he perished. But why bother with ancient history: do we know any more about the extinction of the passenger pigeon, which disappeared, I believe, without leaving a single specimen in America? A few decades ago it darkened the sun in its flights, yet it disappeared in sparsely settled America. Other migratory birds of similar habits survived; the passenger pigeon disappeared. We have no data on the subject; all we know is that the passenger pigeon was not adapted to meet the struggle for existence and therefore perished.

If, from the vicissitudes of species, we turn to our organs, we shall hear a similar story. We are told that our organs developed in the service of nutrition. Not being biologists, we do not know what changes took place in our organs; but even without being biologists, we can assuredly state that no matter what changes may have taken place, the statement, "in the service of nutrition", will still hold good, because it is our approach that arranges material. The superscription, "in the service of nutrition", is in the approach, not in the material.

What we are writing is not an anti-evolutionary argument. We are committed to modern biological research with all its conscious attitudes and all such approaches as the workers in the field consider serviceable. All that we are trying to point out is the conditioning significance of attitudes, and the transformation of conscious approaches into unconscious attitudes. Darwin himself was not unaware of this when, upon completion of *The Origin of Species,* he wrote:

> O, good heavens, the relief to my head and body to banish the whole subject from my mind! . . . But, alas, how frequent, how almost universal it is in an author to persuade himself of the truth of his own dogmas.

The word dogma is obviously used here in the sense of approach or attitude, and it is indeed quite common for a serviceable approach to be universalized into a general attitude, and for a conscious attitude over which we still have

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control to turn into an unconscious attitude that is no longer under our control.

The application of "natural selection" to non-biological spheres was started, we regret to say, by Darwin himself. In his *Descent of Man* he applies the same approach to the moral qualities of the human mind, in a way that would almost justify the lines of Nietzsche:

*Darwin neben Goethe setzen*
*Heisst die Majestät verletzen:*
*Maiestatem Genii.*

Darwin quotes Kant on duty:

> Duty! Wondrous thought, that workest neither by fond insinuation, flattery, nor by any threat, but merely by holding up thy naked law in the soul, and so extorting for thyself always reverence, if not always obedience; before whom all appetites are dumb, however secretly they rebel; whence thy original?

This great question, Darwin tells us, has been discussed by many writers of consummate ability, but he sees a justification for his discourse on the subject because "no one has approached it exclusively from the side of natural history".[1] Darwin expects habits that he considers virtuous to grow stronger, "becoming perhaps fixed by inheritance".[2] It must, however, be said to the credit of Darwin that he is really cautious as a scientist and does not consider the virtue of chastity due entirely to inheritance!

> Admitting for a moment that virtuous tendencies are inherited, it appears probable, at least in such cases as chastity, temperance, humanity to animals, etc. that they become first impressed on the mental organization through habit, instruction and example continued during several generations in the same family, and in a quite subordinate degree, or not at all, by the individuals possessing such virtues having succeeded best in the struggle for life.[3]

[1] Darwin, *The Descent of Man: Selection in Relation to Sex* (New York, 1896), p. 97.

[2] *Ibid.*, p. 125.

[3] *Ibid.*, p. 124.

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Here, as in other places, Darwin is almost on the verge of recognizing how attitudes impressed upon us in our youth form and fashion our mental activities and control our emotional reactions. Had he clearly perceived the controlling significance of the attitude, he might have spared himself this entire discussion and studied instead the origin and workings of unconscious attitudes. As it is, he seems to put "virtues" on one side, and on the other side, especially when dealing with "absurd rules of conduct" and many "absurd religious beliefs", he makes the find that, if inculcated into us "during the early years of life whilst the brain is impressable, they appear to acquire almost the nature of an instinct; and the very essence of an instinct is that it is followed independently of reason".[1] We are now safely in the realm of reasonable virtues and absurd religious beliefs and rules of conduct. Poor "natural selection" has an awful time in dealing with them; and at the end we really are at a loss to know just how "natural selection" does deal with them. The decay of Spain, for instance, is to a considerable extent laid to the Holy Inquisition which

> selected with extreme care the freest and boldest men in order to burn and imprison them. . . . The evil which the Catholic Church has thus effected is incalculable, though no doubt counterbalanced to a certain, perhaps to a large, extent in other ways; nevertheless, Europe has progressed at an unparalleled rate.[2]

Thus all's well that ends well!

From biology the evolutionary approach spread in all directions. "Evolution" seems to have affected God,[3] the thermometer,[4] money,[5] disease,[6] law[7] and immortality,[8] not to

[1] *Ibid.*, p. 122. [2] *Ibid.*, p. 141.

[3] Grant, Allen, *The Evolution of Idea of God* (Holt, 1897).

[4] Bolton, H. C., *Evolution of the Thermometer* (Easton, Pa., 1900).

[5] Carlile, W. W., *The Evolution of Modern Money* (London, 1901).

[6] Danysz, J., *The Evolution of Disease* (Philadelphia, 1921).

[7] Kocourek, A., *Evolution of Law* (Boston, 1918).
McConnell, J. D., *Evolution of Immortality* (New York, 1901).

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speak of the state,[1] the mind,[2] culture,[3] society,[4] industry,[5] capitalism,[6] knowledge,[7] and, of course, modern Germany.[8]

It is obvious that such literary mass production, affecting all sorts of material that the historian has had to deal with, could not help affecting history. It is, however, fair to say that it has affected history proper less than any other of the social sciences. True enough, history has not been lacking in attempts to emulate Darwin and his "biological" explanation of the dwindling of Spain's political power. So, for instance, Seeck's explanation of the fall of Rome follows this biological line of racial deterioration. Here, curiously enough, natural selection", "the struggle for existence" and "the survival of the fittest" lead, after all, to the survival of those that are fit only to perish.[9] As a whole, history has become "genetic" without becoming "evolutionary". First of all, it is easier to be genetic because it is a less schematic approach; secondly, history actually was rapidly becoming genetic under the influence of German philosophers and jurists several decades before Darwin; and last, but not least, no historian has quite been able to see how "natural selection" could explain history.

Professor J. B. Bury makes some very illuminating remarks on the subject in spite of being handicapped by an unilluminated attitude and a corresponding terminology:

> The truth is, that Darwinism itself offers the best illustration of the insufficiency of general laws to account for historical development. The part played by co-incidence, and the part played by individuals—limited by, and related to, general social conditions—render it impossible to deduce the course of the past history of man or to predict the future. But it is just

[1] Robertson, J. M., *Evolution of States* (London, 1912).

[2] Hobhouse, L. T., *Mind in Evolution* (London, 1901).

[3] Ellwood, C. A., *Cultural Evolution* (New York, 1927).

[4] Keller, A. G., *Societal Evolution* (New York, 1915).

[5] Macgregor, D. M., *The Evolution of Industry* (London, 1912).

[6] Hobson, J. A., *The Evolution of Modern Capitalism* (1894).

[7] Perrin, R. St. James, *The Evolution of Knowledge* (New York, 1905).

[8] Dawson, W. H., *The Evolution of Modern Germany* (New York, 1908).

[9] O. Seeck, *Untergang der antiken Welt* (Berlin, 1895-1901)

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> the same with the organic development. Darwin (or any zoölogist) could not deduce the actual course of evolution from general principles. Given an organism and its environment, he could not show that it must evolve into a complex organism of a definite predetermined type; knowing what it has evolved into, he could attempt to discover and assign the determining causes. General principles do not account for a particular sequence; they embody necessary conditions; but there is a chapter of accidents too. It is the same in the case of history.[1]

The "evolutionary" attitude even outside of political history is tending to become "genetic", tending to become a story of descent rather than a philosophy of progress, as implied by "natural selection". With the purely genetic point of view which is so fundamental to history, we will deal extensively later on. Here only the elevation of the evolutionary approach into a general attitude has been of concern to us. The expression "elevation" is perhaps inaccurate; possibly it is more accurate to consider the Darwinian approach as an application to the origin of species of an attitude already popular in the social sciences. But as the case may be, the biological approach and the social attitude were closely linked, not only in their genesis, but throughout their intellectual career. This attitude has served political purposes even more energetically than it has served science. In the main, of course, it was the attitude of liberalism. It was quite in keeping with the times to find books entitled *Der Darwinismus gegen die Sozialdemokratie*,[2] but the Socialist contemporaries operated with the same attitude; so we find Ferri proving Socialism a postulate of Evolution.

Evolution paraded natural selection as an inevitable conclusion from incontrovertible facts. What has happened to these incontrovertible facts? If we open the latest history of biology — that by Nordeskiold — we find a section entitled "Decline of Darwinism" which begins with the following observation:

[1] Bury, J. B., "Darwinism and History", Sec. 17 in *Darwin and Modern Science*, p. 539.

[2] By Otto Ammon (Hamburg, 1891).

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> Toward the close of the nineteenth century the influence of Darwinism began noticeably to wane. The signs of this are many: partly internal, in that the actual theory, as had so often happened before and indeed always will happen with dominating views, becomes split up into a number of mutually conflicting tendencies in different directions, and partly external, in phenomena manifested in the general cultural situation. The optimistic belief in progress as a law governing nature and human life, which prevailed in the middle of the century and formed the basis of the success of Darwinism, had some decades after been essentially disturbed.[1]

Nordeskiold is a biologist and an historian of the various branches of biology. The rôle that attitudes play in our mental operations has not attracted his attention, nor is it of interest to him, and yet their controlling significance is exemplified in almost every chapter. Take, for instance, his reflections on the circumstance that Mendel's work remained for forty or more years entirely unknown. We have nothing to add to Nordeskiold's appreciation of how our attitude controls and forms our mental processes and deals even with so-called "scientific facts":

> Much surprise has been expressed over the fact that Mendel's brilliant observations did not attract greater attention, and the blame has been laid upon the unknown journal in which they were published. One might with greater justice ask oneself whether any of the more important publications of the time would have undertaken to print results of research so utterly at variance with the prevailing conception of biology. We have only to remember that Mendel denies variability in those characters that he observed, whereas all the biologists were just at the time seeking after variations as material in proof of natural selection; and then come these assertions as to absolutely constant or constantly divisible characters from the pen of a monk in a monastery! It would certainly have been a miracle if they had found support from the generation that had been brought up on Haeckel's *Natural History of Creation*.[2]

[1] Erik Nordeskiold, *History of Biology* (New York, 1929), p. 562.

[2] *Ibid.*, pp. 591-92.

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It is, furthermore, interesting to note that when, after the turn of the century, Mendel's work, in spite of its being published in an obscure journal, was rediscovered, it was rediscovered not by one man, but simultaneously by three men in three different countries—De Vries, Correns and Tschermak!

## III

Any given general attitude, such as evolution, universal gravitation or relativity, may greatly impress us as an approach to phenomena in which we happen to be especially interested. But in addition to this extended application of a general attitude we have specific aims that are not incidental to the conscious general attitude but are formulated by other attitudes of ours, conscious and unconscious, and by the particular local conditions and circumstances under which we live and work. The result may be that the same phenomena approached with the same general attitude, but with other aims, will present us with entirely different pictures. Voltaire, for instance, was greatly taken with Newton's *Principia* and was the first to popularize in French Newton's "celestial mechanics". Yet the reader may rest quite assured that the cosmic implications drawn from universal gravitation by Newton and by Voltaire were wider apart than the most distant stars in heaven. For Sir Isaac Newton did not walk in the counsel of the ungodly nor did he sit in the seat of the scornful. Himself a mystic, he speculated much on religious matters and wrote a quarto volume on the prophecies of Daniel. Universal gravitation obviously nowise interfered with Sir Isaac's ardent belief in a personal God who is the Maker of Heaven and Earth. It would rather seem that Newton's work only intensified and enlarged his religious emotion and devotion. And yet, curiously enough, Newton's celestial mechanics played a very great rôle in the antireligious literature of the eighteenth century and Voltaire's French popularization served its aim and purpose well. But besides using universal gravitation as an indirect attack on the church, Voltaire undoubtedly helped to establish the name of Newton as the exponent of scientific certainty, and the latter's *Prin-*

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*cipia* became principles for everything that aspired to such "certainty".

In consequence, universal gravitation began to play an even greater rôle than "evolution" did seventy-five or a hundred years later. It is amusing to note that Saint-Simon in his very first literary effort, *Lettres d'un habitant de Genève,* even proposes to substitute for Christianity a religion of Newton! Shrines are to be erected to him in the temples dedicated to his worship; for Newton, it would appear, is seated at the right hand of God and has charge over the inhabitants of all the planets.[1] Ten years later he followed it up with a work entitled, *Travail sur la gravitation universelle,* which despite its title, is devoted to politics, for to him any philosophy, political or otherwise, must be based on the idea of universal gravitation. And, as a matter of fact, in almost all his writings we find the consistent but futile endeavor to create a physico-political science. Auguste Comte, who in his youth was a follower and associate of Saint Simon, continued with the enterprise.

Charles Fourier was also under the spell of universal gravitation in his approach to social science and reform. His central idea was passional attraction. He wanted so to arrange and organize life that it might be in harmony with the law of attraction of the passions of the soul. If we find that his elucidations are naïve, ignorant and perhaps a little mad, let us not forget that he himself believed that it was the will of God that this "great contribution" should be made, not by a man of letters, but by a humble salesman. And it certainly adds to the pathos of this curious undertaking when we read:

> It is well to recall, now and then, that since the year 1799, when I discovered the germ of the calculus of attraction, I have always been absorbed by my mercantile occupations, being hardly able to devote a few moments to passional problems,

[1] Saint-Simon in proposing his new religion followed the method of the Old Testament prophets and made God say unto him: "Apprends que j'ai placé Newton à mes côtés, que je lui ai confié la direction de la lumière et le commandement des habitants de toutes les planètes."—Saint-Simon, *Oeuvres* (Paris, 1868), Vol. XV, p. 48.

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> one of which often demands the continued research of several years. After passing my days in serving the knavery of merchants, and stupefying or brutalizing myself by deceitful and degrading duties, I could not occupy the night in initiating myself in the true sciences.[1]

Saint-Simon with his universal gravitation and Fourier with his calculus of passional attraction may perhaps be looked upon as cranks rather than "recognized" builders of modern economics and political science. But returning to their contemporaries, whom we recognize as "master-minds", we see to what extent the *Principia* affected the general attitude as well as the specific approaches of the social sciences. Wesley C. Mitchell published several years ago a very instructive essay on Bentham's "felicific calculus".[2] We all, of course, have associated Bentham with Utilitarianism, but this study of Mitchell's brings out first of all that Utilitarianism, as such, was becoming the general approach to an appraisal of moral or social values in England toward the end of the eighteenth century: or to quote, as Mitchell does, Élie Halèvy:

> It was plain that the doctrine of utility was becoming the universal philosophy of England, and that the reformers must speak the language of utility if they wished their opinions to be understood—let alone accepted—by the public they were addressing.[3]

What put Bentham in the position of leadership was his effort to introduce an exact method into the discussion of Utility and thus turn legislation, economics and ethics into exact sciences. What Bentham wanted was to be the Newton of the social and moral sciences by extending the methods of the physical sciences into the moral world.[4] "Bentham's way of becoming

[1] Quoted in Charles Gide's *Selections from the Works of Fourier*, translated by Julia Franklin (London, 1901), p. 11. The particular quotation is from Fourier's *Manuscrits* (1851), p. 23.

[2] Published in the POLITICAL SCIENCE QUARTERLY, Vol. XXXVIII (1918), pp. 161-83.

[3] *Ibid.*, p. 163.

[4] *Ibid.*, pp. 163-64.

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the Newton of the moral world was to develop the felicific calculus", Mitchell tells us; and how he proposes to employ his felicific calculus is indicated by Bentham's own description of his own attitude:

> Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand, the standard of right and wrong, on the other, the chain of causes and effects, are fastened to their throne.[1]

Of course, Bentham had his troubles. He had difficulties with "intensity" and his endeavors to transmute quality into quantity were not very fortunate. Summing up the Utility theorists, Mitchell wisely observes:

> Some assumptions have to be made . . . before the argument can proceed far, and the assumptions which seem natural to the utility theorist are those which yield the conclusions in which he happens to believe, on other than scientific grounds. "All history proves" anything that the writer has at heart. The felicific calculus is equally obliging.[2]

Bentham did not succeed even in superficial imitation of Newton's method; he only presented us with a systematic classification of the elements with which social sciences have to deal rather than the mechanics of their actual workings.

Curiously enough, others who did not quote Newton approached the entire realm of social phenomena with a mechanistic attitude. They confined their attention largely to the production and distribution of wealth and turned their observations on fiscal and mercantile policies into a systematic study known to us as classical political economy. The very approach spelled mechanical gravitation in the choices and actions of men. It was a science of the "economic man" at work; and this *homunculus* could not do otherwise than follow the prescribed orbit determined by forces which governed alike the production and exchange of men and of commodi-

[1] *Ibid.*, p. 164. [2] *Ibid.*, p. 180.

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ties. This economic man had no history, nor did he live; he gravitated. He gravitated perfectly, however, only where the foolish state and misguided society did not interfere with his perfect mechanical running. The state had but the function of insuring property. This was the once popular doctrine of *laissez-faire*. Its aim and object was to prove the absolute necessity of non-interference with the beneficent laws of production and exchange. And this doctrine seemed to have been indeed of tremendous advantage possibly to England as a whole and certainly to that part of the population which later benefited politically by the Reform Bill.

Classical political economy with its mechanistic attitude all but ignored the state and the rise and fall of institutions. Yet this very attitude had previously been applied to social life for entirely different purposes. For what had the eighteenth century Enlightenment insisted upon, but the infinite perfectibility of mankind and of human society? The perfecting of society consists, however, in perfecting the state and its social institutions. The last thing that eighteenth-century French mechanistic philosophy could do was to ignore the state and the church.

It is perhaps worth illustrating just how Newton's *Principia* were translated into a "philosophical" approach to a social science. Let me quote Helvetius:

> Man is a work of nature; he is in nature; he is subject to its laws; he cannot liberate himself; he cannot even in thought get clear. For a being, formed by nature, there is nothing beyond the great whole of which he forms a part. . . . Man is purely a physical being; the moral man is but the physical man, considered under certain points of view: his organization is the work of nature; his visible actions, his invisible motions, are natural effects; the order and consequence of his mechanism, all that he invented, or can invent, is only a necessary consequence of the essence which is proper to him.[1]
>
> . . . . . .
>
> It is only motion which establishes those relations and con-

[1] Helvetius, *The True Sense and Meaning of the System of Nature* (London, 1810, English translation), p. 1.

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> nections betwixt our organs and the beings which are within and without us. A cause is a being which puts another in motion, or which produces some change in him; the effect is the change which one body produces in another, by the aid and help of motion. . . . All is motion in the universe: action is the very essence of nature . . . [1]
>
> . . . . . .
>
> Necessity is the infallible and constant tie which binds all causes with their effects—and that irresistible force, that universal necessity is only the consequence of the nature of things, in virtue of which all act by immutable laws.[2]

These lines indicate sufficiently Helvetius' mechanistic attitude. But observe what diametrically opposed purposes were served by the approach of Helvetius and the Encyclopedists, on the one hand, and the approach of the classical Economists, on the other hand! It is obvious that a human being must be to Helvetius the product of his surroundings.[3] To Helvetius, man was born ignorant, but has been made with much labor a fool, and has been made so with malice aforethought by state and church.[4] Man is not only duped and exploited by existing institutions; he is made vicious and harmful to his fellowmen, for he is surrounded by examples of the triumph of vice over reason and virtue. Obviously human perfectibility is, therefore, dependent upon the improvement of existing institutions.

Here we have before us an interesting situation. We find that English economists and French philosophers shared the same mechanical approach to social ordering. Yet while the French philosophers aimed at a changing man and therefore emphasized education and battled against church and state, the economists, approaching economic phenomena seem-

[1] *Ibid.*, p. 3.

[2] *Ibid.*, p. 6.

[3] "The philosopher judges otherwise: according to him, the true preceptors of a child are the objects that surround him; these are the instructors to whom he owes almost all his ideas."—Helvetius, *A Treatise on Man, His intellectual faculties and his education* (English translation by W. Hooper, London, 1810), Vol. I, p. 14.

[4] *Ibid.*, p. 6, and *True Sense and Meaning of the System of Nature*, p. 24.

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ingly with the same attitude, nevertheless operated with the concept of an "unchanging man". The mechanistic approach in the realm of social phenomena was used in France and in England as a means to different ends; and hence the divergence. When an Englishman followed the French application of the mechanistic approach to social life, he became responsible for striking enterprises in the realm of social education and social welfare, and ended with economic considerations diametrically opposed to those of classical political economy. We have in mind Robert Owen. His "theory" as expressed in his *Essays on the Principle of the Formation of the Human Character* contains nothing that was not a general slogan of French eighteenth-century philosophy. His work in New Lanark as well as all his subsequent enterprises took for granted the French attitude that with a different setting and education man's perfectibility would be unlimited.

The British economists also had a great purpose, but their purpose was not to change the existing social institutions; they ignored them or took them for granted. Their object was to establish free trade, so they worked out a system of production and distribution of wealth in a purely mechanical way, ignoring the historical institutional setting and, therefore, giving to their formulations the quality of mechanical laws of nature *sub specie æternitatis* independent of and outside of all history. To do so, they had to have recourse to an *unchanging* man, the "economic man". If the "economic man" is the discovery of the classical economists, the "unchanging man" was not exactly a new concept.

Newton's mechanical principles affected the attitude of French philosophy and were used by that philosophy for purposes of liberation from church and state, with which it was contending. In France one had to become a revolutionary to discourse freely on "*la Nature*" or "*l'Esprit.*"

> *Natur und Geist—so spricht man nicht zu Christen*
> *Deshalb verbrennt man Atheisten*
> *Weil solche Reden höchst gefährlich sind.*

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Helvetius had to flee from his own country, as Voltaire urged him to do.

In England, on the other hand, the outstanding philosopher could use as a motto on his *Treatise of Human Nature* a quotation from Tacitus: *Rara temporum felicitas, ubi sentire, quae velis; et quae sentias, dicere licet.* But while this philosopher, David Hume, in his particular setting could have no such objectives as Helvetius or Holbach, nevertheless he too was consciously applying the approach that made Newton's *Principia* famous, and he considered the aim of philosophy the establishment of laws of gravitation which govern the association of ideas. In Hume's *Enquiry Concerning the Human Understanding,* which appeared in 1748, we read:

> But may we not hope, that philosophy, if cultivated with care and encouraged by the attention of the public, may carry its researches still further, and discover, at least in some degree, the secret springs and principles, by which the human mind is actuated in its operations? Astronomers had long contented themselves with proving, from the phenomena, the true motions, order and magnitude of the heavenly bodies 'til a philosopher at last arose who seems from the happiest reasoning, to have also determined the laws and forces by which the revolutions of the planets are governed and directed. The like has been performed with regard to other parts of nature, and there is no reason to despair of equal success in our inquiries concerning the mental powers and economy, if prosecuted with equal capacity and caution. It is probable that one operation and principle of the mind depends on another; which again, may be resolved into one more general and universal.[1]

In his *Treatise of Human Nature* which was first published in 1739, Hume, while discussing the connection or association of ideas, makes the observation; " Here is a kind of *Attraction* which in the mental world will be found to have as extraor-

[1] David Hume, *Enquiries concerning the Human Understanding and concerning the Principles of Morals* (2d Selby-Bigge edition, Oxford, 1902), pp. 14-15.

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dinary effects as in the natural, and to show itself in as many and as various forms." [1]

But if the operations of the human mind are conceived as governed by laws unswerving and eternal, then by implication human nature itself must be an unchanging entity; and thus he comes to the unchanging man governed by unchanging laws. His reasoning is simple enough, in fact, altogether too simple.

> It seems evident that, if all the scenes of nature were continually shifted in such a manner that no two events bore any resemblance to each other, but every object was entirely new, without any similitude to whatever had been seen before, we should never, in that case, have attained the least idea of necessity, or of connection among these objects. We might say, upon such a supposition, that one object or event has followed another; not that one was produced by the other. The relation of cause and effect must be utterly unknown to mankind. Inference and reasoning concerning the operations of nature would, from that moment, be at an end.[2]

From these observations and by attempting to view nature and "human nature" as subject to the same fundamental uniformities, Hume drew the conclusion of the unchanging human nature—the "unchanging man". All there was left to do was to appeal to history for confirmation, which of course "history" did not fail to give. Thus we read for our enlightenment and information on the subject:

> It is universally acknowledged that there is a great uniformity among the actions of men in all nations and ages, and that human nature remains still the same, in its principles and operations. The same motives always produce the same actions: The same events follow from the same causes.
>
> Ambition, avarice, self-love, vanity, friendship, generosity, public spirit: these passions, mixed in various degrees, and distributed through society, have been, from the beginning of the

[1] *A Treatise of Human Nature* (Selby-Bigge edition, Oxford, 1896), pp. 12-13.

[2] *Enquiry concerning Human Understanding*, p. 82.

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> world and still are, the source of all the actions and enterprises which have ever been observed among mankind. Would you know the sentiments, inclinations and course of life of the Greeks and the Romans? Study well the temper and actions of the French and the English. You cannot be much mistaken in transferring to the former most of the observations which you have made with regard to the latter.[1]

All the obvious "factual" information that the reader could furnish to Hume, would nowise affect Hume's attitude. If we should inform him that in Greece, homosexuality was an accepted natural passion, while in England and France it is either a crime or a pathological perversion; if we should shower upon Hume all the anthropological and ethnological data at our disposal, it would not affect his attitude. For it is the business of an attitude to deal with "facts" and give to their analysis and connection its form. In fact, Hume does that very thing in a *Dialogue,* where he lets his friend Palamedes, a rambler in the intellectual and material world, discourse on the contrary sentiments of mankind; and, needless to say, he reduces them to a universal standard.[2]

The uses made of universal gravitation in France and in England were different and so were the problems that the two countries were facing and the passions that the situations aroused. The story of eighteenth-century attitudes and approaches is simple enough, but not interesting enough for our particular purposes. For it is the eclipse of the Age of Reason and the rise of the Age of History that is of special concern to us here.

The appreciation of intellectual movements is a matter of understanding as well as of personal emotional reactions. If we could understand more intimately the political and religious implications of Athenian art and drama and philosophy in the fifth and fourth centuries before Christ, if we could but grasp their living connections and their aspirations, we could perhaps appreciate more fully the significance of the gigantic

[1] *Ibid.,* p. 83.

[2] See Hume's *Essays—Moral, Political and Literary* (Green and Grose Edition, London, 1898), Vol. II, pp. 289-305.

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spiritual struggles and efforts that were Athens'. There are other centuries, the thirteenth, for instance, that have qualities of grandeur, that challenge our understanding, but probably no intellectual movement had such a fighting edge and fought for such high purposes as the eighteenth century, the Age of Reason and Enlightenment, the age of fervent faith in the unlimited perfectibility of humankind. Even the seamy side of the French Revolution did not at once undermine that faith, and Condorcet, in spite of the circumstances under which he was writing, left us a book of promise and of prophecy the object of which, he tells us, was to show:

> from reasoning and from facts that no bounds have been fixed to the improvement of the human faculties; that the perfectibility of man is absolutely indefinite; that the progress of this perfectibility, henceforth above the control of every power that would impede it, has no other limit than the duration of the Globe upon which nature has placed us.[1]

In the great movement of Enlightenment Germany contributed much to the triumph of Reason. She contributed the work of one of the greatest thinkers of all times, Immanuel Kant. Kant even attempted to write a popular essay on Enlightment, *Was ist Aufklärung?,* and he almost became eloquent on the theme *"Sapere aude"*. The younger generation of German thinkers followed in the great tradition.

His followers seemed even more radical and possibly more outspoken than Kant himself. Thus, for instance, Fichte published his *Kritik aller Offenbarung* and later on *Zürückforderung der Denkfreiheit von den Fürsten Europas,* also *Beiträge zur Berechtigung der Urteile des Publicums über die Französische Revolution.* In these later publications he defended the French Revolution (especially against the book of Rehberg). In these pamphlets, which Fichte published anonymously but which he soon acknowledged as his own, he defended the right of revolution and the inalienable right of free expression. By such utterances he earned the reputation

[1] Condorcet, *Outlines of an Historical View of the Progress of the Human Mind* (English translation, London, 1795), p. 4.

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of a dangerous Democrat as well as an Atheist. The editor of *Eudaemonia* characterized Fichte's writings as preaching the *Kopfabschneider Evangelium;* on account of his atheism he was eventually forced to leave the University of Jena. It may be interesting to note that in 1799 he was still characterizing himself as a Free-thinker and a notorious Democrat.[1]

The early attitude of Schelling and Hegel toward the French Revolution did not differ much from Fichte's. Schelling, as well as Hegel, greeted it enthusiastically, and the former in one of his letters speaks warmly of Fichte's pamphlets in defense of the Revolution. In their youth Fichte, Schelling and Hegel wrote against religion in the usual vein and Hegel's scornful disapprobation fell, it would seem, even more upon Christ than upon the Church. A state that would follow the teachings of Christ: "*würde sich bald auflösen*".[2] He had little use for the disciples of Christ because they had no interest in the state, but only in the personality of Jesus![3] This he wrote as late as 1795. He had nothing but contempt for Christian humility or for a religion that teaches that the shedding of blood is a sin.[4] To be sure, in Hegel's anti-Christian writings there is already another peculiar German attitude that does not belong to the Age of Reason but to the Napoleonic Era.

Now what happened to Germany in that Napoleonic Era? German arms suffered disaster after disaster. The ignomin-

[1] In the letter to Reinhold dated May 22, 1799.

[2] Hegel, *Theologische Jugendschriften* (edited by Nohl, 1907), p. 41.

[3] "Ein Interesse für den Staat hatten sie nicht, wie ein Republicaner für sein Vaterland hat, alles ihr Interesse war auf die Person Jesu eingeschränkt." *Ibid.*, p. 163.

[4] "In diesem Zustande der Unterdrückung, der politischen Untätigkeit sehen wir bei den Römern eine Menge Menschen, die sich durch Flucht, durch Bestechung, durch Verstümmlung der Glieder dem Kriegsdienste entzogen; und einem Volke mit dieser Stimmung musste eine Religion willkommen sein, die den herrschenden Geist der Zeiten, die moralische Ohnmacht, die Unehre, mit Füssen getreten zu werden, unter dem Namen des leidenden Gehorsams zur Ehre und zur höchsten Tugend stempelte, durch welche Operation die Menschen mit fröhlicher Verwunderung die Verachtung anderer, und das Selbstgefühl eigener Schande in Ruhm und Stolz verwandelt sahen—eine Religion, die ihnen predigte, Menschenblut zu vergiessen sei Sünde." *Ibid.*, p. 229.

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ious peace of Lunéville surrendered Belgium and the whole left bank of the Rhine to the French hegemony. The dissolution of the Holy Roman Empire was inevitable and German states became playthings in the hands of Napoleon. What one's attitude toward a foreign conqueror is bound to be, we can readily appreciate. Thus the most accentuated common emotion of the time was passionate resentment against a foreign arbiter of German destinies which positively expressed itself in an equally passionate desire for independent statehood. It was their national humiliation and national degradation which made the Germans feel that they were a nation; and as a nation they were a house divided against itself and trodden under the feet of their enemies. Hegel makes the observation in his *Encyklopädie* that nothing great has ever been accomplished without passion.[1] Perhaps not; it is certain that the German systems of so-called transcendental idealism were passionate undertakings; they were conceived in a veritable fury.

Fichte, Schelling and Hegel are very different persons, but it is interesting and perhaps illuminating to see what it is that they had in common. We have seen that there was a time when they shared the general attitude of Enlightenment on State and Church, wrote against religion and welcomed the Revolution. But when, as a consequence of the Revolution, Napoleon came with his armies, their attitude changed completely. All the slogans and approaches of the Age of Reason were thrown overboard. They were no longer "citizens of the world", but rather were they German nationalists engaged in various pursuits, such as writing hymns of hate against Rationalism and Enlightenment, and singing pæans of praise to Machiavelli, all of course in the service of their country. Hegel's passionate ambition was frankly to be the Machiavelli of the German Prince, an ambition to which he remained true and in which he, in a certain sense, perhaps succeeded. Fichte's admiration for Machiavelli was also very great. He preached what Meinecke called a political sermon

[1] "Es ist nichts Grosses ohne Leidenschaft vollbracht worden, noch kann es ohne solche vollbracht werden." *Encyklopädie,* Section 474.

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on Machiavelli. This endorsement of Machiavellian political wisdom by Fichte appeared in the disastrous year 1807. The political disaster may perhaps account for the publication.[1] Hegel also frankly and enthusiastically accepted Machiavelli in 1799, though this particular work remained unpublished until 1893.

Machiavelli's Prince has to deal with his subjects and with other princes. His foreign and domestic relations are, in the last analysis, actuated by the same principles. It is the foreign, not the domestic policy of the Machiavellian Prince that Fichte seems to recommend, because the German "princes are at peace with their peoples". The German peoples are "tame" enough and, therefore, there is no need for further "taming".[2] The idealistic philosophers had, as we know, a great deal to say about moral laws; it was therefore essential to elevate the ruler above the laws of individual morality into a *"höhere sittliche Ordnung"* that would permit broken pledges, perjury, foul play and what unphilosophical mankind may consider plain crookedness, for the Prince is to be addressed: *salus et decus populi suprema lex esto.*[3]

As we have already stated, Hegel several years before Fichte resorted to Machiavelli. These early political writings are of interest. If one follows them, one cannot help sensing what hate and what love, what fears and what hopes were behind the Hegelian structure. It is interesting mater-

[1] Printed in Kant's own city, Königsberg, in the magazine *Vesta,* reprinted in Fichte's *Nachgelassene Werke* (edited by Hans Schultz, 1918), Vol. III. See Friedrich Meinecke, *Die Idee der Staatsräson* (3te Aufl., 1929), p. 462.

[2] "Die Fürsten sind im Frieden mit den Völkern, und bedürfen in dieser Rücksicht gegen sie keiner Politik, und keines anderen Mittels, sie zu zähmen, als eben des Gesetzes selber: und so ist denn dieser ganze Theil der Lehren Machiavellis wie man ein widerstrebendes Volk unter das Joch der Gesetze erst bringen solle, für unser Zeitalter erledigt." Fichte, *Nachgelassene Werke,* Vol. III, p. 422.

[3] "In seinem Verhältnisse aber zu anderen Staaten giebt es weder Gesetz noch Recht, ausser dem Rechte des Stärkeren, und dieses Verhältnis legt die göttliche Majestät des Schicksals und der Weltregierung auf die Verantwortung des Fürsten nieder in seine Hände und erhebt ihn über die Gebote der individuellen Moral in eine höhere sittliche Ordnung, deren materieller Inhalt enthalten ist in den Worten: 'Salus et decus populi suprema lex esto'." *Ibid.,* p. 427.

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ial for the study of attitudes, for one can see how the conscious constructions are directed or suggested by unconscious attitudes.

What is peculiar to the Age or Reason is that it took a critical, individualistic attitude toward the state. The state was an instrumentality, not an end in itself. In England the actual political practice was not so very far removed from the theory. In Germany, however, the situation was different. Whatever the political theory was, the political practice was that of an absolute state, in whose schools and under whose ægis a German child was not trained to protect his civil liberties as his most precious possessions, but rather was brought up in an attitude of unquestioning obedience to all authorities, in reverence for the state and in devout subjection to the prince who was the absolute ruler by the grace of God. True enough, such upbringing might lead to rebellion, but no one could claim that it trained one for liberty! For even to the rebel civil liberty was not the practice of life, but an ideal or a word, and Liberty in German philosophy remained an ideal and a mere word.

A Sower went out to sow his seed and we are told:

> Now the parable is this: The seed is the word of God. Those by the wayside are they that hear; then cometh the devil and taketh away the word out of their hearts, lest they should believe and be saved. They on the rock are they, which when they hear, receive the word with joy; and these have no root, which for a while believe and in time of temptation fall away.

That is what happened to the words of Reason and Enlightenment in Germany. Their slender roots withered when the Revolutionary and later on the Napoleonic armies entered upon German soil. The French Revolution, once popular, became abhorrent, and so did the Enlightenment that led to it. The longing for personal liberty gave way to the hate of the foreign victor, the envy of the growing power of France and the passionate desire for national assertion. We find, accordingly, the latter-day German prophets preaching a doctrine of national power at any cost. Statehood, aggressive and in-

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dependent because of its power, becomes an end in itself, in fact the highest end of mankind, to which everything must be sacrificed. The word "liberty" becomes an object of derision, or is used as a "philosophical" concept. So we are now taught that men are stupid when they struggle for political freedom and freedom of conscience and yet overlook the plain and higher truth that is in *power,* which is the justice of Nature.[1]

The German states present themselves to Hegel as a parallel to the Italian states of the days of Machiavelli. In Machiavelli Hegel found the man who saw the necessity of combining the Italian states into a larger state, by means fair or foul. Therefore, Machiavelli is not only justified, but his ideas are the ideas of a political head in the "greatest and noblest sense".[2] The power of the state is the highest and the ultimate end. The greatest criminals are those who attack the state, and the state has no higher duty than that of self-preservation and the extermination of such criminals.[3] Machiavelli appealed to Hegel by his purposeful ruthlessness, and Hegel's hope was to see a German "prince" who would conquer in an equally ruthless manner and unite the Germans, a prince who would be great enough not to be afraid of the hatred of his people, who would not permit them to share in the government and who would trample and destroy the individual peculiarities of men.[4] Such was the concretely political preface

[1] "So töricht sind die Menschen über idealische Gesichten der uneigennützigen Rettung von Gewissens- und politischer Freiheit, und in der innern Hitze der Begeisterung die Wahrheit, die in der Macht liegt, zu übersehen, und so ein Menschenwerk der Gerechtigkeit und ersonnene Traüme gegen die höhere Gerechtigkeit der Natur und der Wahrheit sicher zu glauben, welche aber der Not sich bedient die Menschen unter ihre Gewalt, aller Ueberzeugung und Theorie und innern Hitze zum Trotz zu zwingen." Hegel, *Sämmtliche Werke* (Lasson edition, Schriften zur Politik und Rechtsphilosophie, 1913), Vol. VII, p. 89.

[2] *Ibid.*, p. 113.

[3] "Und der Staat hat keine höhere Pflicht als sich selbst zu erhalten und die Macht dieser Verbrecher auf die sicherste Art zu vernichten." *Ibid.*, p. 114.

[4] "Der gemeine Haufen des deutschen Volks nebst den Landständen, die von gar nichts anderm als von Trennung der deutschen Völkerschaften wissen und denen die Vereinigung derselben etwas ganz Fremdes ist, müsste durch

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of the great German philosophical systems of the early nineteenth century.

These writings do not deal with philosophy; in them you will not find Schelling's "*intellectuelle Anschauung*" nor his doctrine of historical Fate, which is his genetic philosophy. In these writings you will find no reference to Hegel's dialectic logic, nor to the historical dialectic process which is at the same time a history and a theodicy. But what you will find in these writings is an insight into the forces and into the passions which led to the construction of those systems, and which willed such attitudes. It is quite true that in their respective systems philosophers deal with problems and ideas and concepts that are either identical or similar; it is true that they criticize each other's general attitudes and specific approaches. It is, therefore, not very difficult to look upon a certain given structure as a critical modification or improvement or inner reconciliation, in short, a development of the ideas which preceded it. That is a very elementary approach. Schelling and Hegel resurrected the almost forgotten Spinoza; was it their learning that made them dig up Spinoza, or did they dig him up because they had use for him? In the dialectic logic of Hegel the synthesis implies the identity of affirmation and negation. Now it so happens that Nicolaus Cusanus speculated on the *coincidentia oppositorum;* shall we, therefore, consider that Nicolaus of Cusa inspired Hegel's dialectic logic? He needed a developmental logic for his historico-developmental dialectic process. And why did he want an historical, inevitable, unconscious process; why did he want to turn the Age of Rationalism into an age of an unconscious

die Gewalt eines Eroberers in eine Masse versammelt, sie müssten gezwungen werden, sich zu Deutschland gehörig zu betrachten.

"Dieser Theseus müsste Grossmuth haben, dem Volk, dass er aus zerstreuten Völkchen geschaffen hätte, einen Anteil an dem, was alle betrifft, einzuräumen,—weil eine demokratische Verfassung, als Theseus seinem Volke gab, in unseren Zeiten und grossen Staaten ein Widerspruch in sich selbst ist, so würde der Anteil eine Organisation sein—Character genug, um,—wenn er auch nicht mit Undank wie Theseus belohnt zu werden, sich durch Direktion der Staatsmacht, die er in Händen hätte, versichert sein könnte—den Hass tragen zu wollen, den Richelieu und andere grosse Menschen auf sich luden, welche die Besonderheiten und Eigentümlichkeiten der Menschen zertrümmerten." *Ibid.*, pp. 135-36.

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historical development? Is that not the pertinent question if we consider his system as an attitude and look upon the attitude as a psychic problem? As a matter of fact, both in the consideration of structural details and in the consideration of the general direction Hegel is closely related to Schelling and not uninfluenced by Fichte. The relation of some of their ideas one finds in any history of philosophy; what one unfortunately does not find there is their passion and their purpose, the driving force back of their systems, which does not detract, but only adds to the dramatic beauty of their structures.

Hegel's unconscious development goes on through opposites. The philosopher expresses the development of the Absolute Idea, after the development has already taken place. The philosopher is, therefore, the spokesman of the Idea or of God; he is the articulate expression of the development. Hegel was a very shrewd man and he perhaps depicted not unconsciously the actual process of development or transformation in which he himself took part. He and his contemporaries were emotionally and irresistibly driven into violent opposition to Enlightenment and Rationalism. This emotional antagonism required a new orientation, i.e., a reconstruction or new formulation of their conscious attitude. Look upon the situation as a psychic problem. They were technical philosophers, but they also were plain every-day Germans, and in both capacities they shared the passions and resentments of their people; but as philosophers they were called upon to give to this general state of emotional reactions a theoretical expression. It was their *business* to give to the new orientation its formulation, in other words, to reorganize and redefine their general attitude as well as work out new approaches to whatever problems were confronting them. The reaction was against the appeal to Reason. Obviously they could not appeal to lack of Reason or to Irrationalism as a criterion of values, of purposes, of choices. And yet precisely the same result is achieved if one appeals to history, to a history that binds our future to our past, a history that is an inevitable unswerving process, a law unto itself. We may begin by calling this process a world-plan; we may, if we so

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please, incorporate in this world-plan inanimate nature and call it the Fate of Nature, the historico-genetic process of the entire world. We may go one step farther and identify with this process our reason and God himself. Then we have the object and subject of cognition united; we have a fate which controls our reason as well; we have a philosophy which is a religion and we have an historical dialectically developing process which is nothing else but the life of God himself.

Of these transcendental philosophers Schelling and Hegel were certainly men of great vision and ability. Even today no one could read them without finding their observations interesting and suggestive. But we are not evaluating the ideas of these philosophers in terms of our twentieth-century attitudes; rather do we approach them as a psychic problem, and since they belong to the early part of the nineteenth century, our problem becomes an historical problem. By psychic problem we do not mean anything esoteric. We simply ask ourselves why these gentlemen took such and such attitudes and what they were driving at. We can try to understand these attitudes genetically as produced or developed from preceding ideas. But such understanding will be incomplete and hence unconvincing, for the development from former ideas will not give us a definite direction in front of it and a particular drive back of it. But if we look upon the direction as willed, as purposeful and as related to a definite setting in time; if we see attitudes as fitting closely into their particular situation; if we see them functioning to meet the situations, our particular problem is exhausted.

In viewing the three successive systems of transcendental Idealism, we find in all of them the same reaction to Enlightenment and its postulates. Fichte attacks Enlightenment for abolishing religion and undermining other "supplementary means" (*Ergänzungsmittel*) of moral thinking (*der sittlichen Denkart*) such as love of fame, national honor, etc.[1] As against the individualistic critique leveled against the state, as against the guarantees of personal liberty and the rights of

[1] Fichte, *Sämmtliche Werke* (1845), Vol. VII, pp. 272-73.

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men, Fichte completely disregards the individual. "The individual life has no real existence, since it has no value in itself but must and *should* sink into nothing; while on the contrary the Race [*die Gattung*] alone exists, since it alone *ought* to be looked upon as really living." [1] Fichte's way of disposing of the political and social criteria of Enlightenment as well as of its aspirations is to produce a foreordained world-plan covering human history. One of the amusing characteristics of German transcendental philosophy is the liberty it is always taking with Providence. The transcendental philosopher knows the ways and purposes of Providence much more intimately than any Hebrew prophet. Fichte, for instance, knows God's historical world-plan which covers our history from its first to its last day and is divided into five periods. Fichte, however, gives to Enlightenment and Liberation (*die Epoche der Befreiung*) an entire period: it is the period of absolute indifference to "truth", the era of complete degradation and sinfulness (*der Stand der vollendeten Sündhaftigkeit*).[2] More Fichte probably could not say about Enlightenment, for one has the impression that if he could, he would have said it.[3]

A birds-eye view of such minds as Fichte's, Schelling's and Hegel's could well serve as an illustration for a new treatise on an old subject—*de libero arbitrio et prædestinatione*. For these three minds were as different as minds could be: Fichte was primarily a moralist, Schelling a seer, and Hegel a systematic thinker. These men were exceptional men, quite capable of being independent master-builders. Why did they not differ from each other as Aristotle did from Plato? And yet not only are their systems systems of transcendental Idealism, not only are all three of them so-called *Identitäts-philosophien,*

[1] *Ibid.*, p. 37.

[2] *Ibid.*, p. 11.

[3] We would suggest a perusal of Vol. VII of Fichte's Works, especially his "Grundzüge des gegenwärtigen Zeitalters". Note his complete negation of individuality as a postulate "des Vernünftigen Lebens" (p. 35) as well as of religious life (Vol. V, p. 158). About his "Einheitsdrang" and his political views there is much in his *Nachgelassene Werke*, Vol. III.

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but, different as they are, they move in the same direction. Thus, in spite of the *liberum arbitrium* of these thinkers, one wonders why they were "destined" to have so much in common, both in general outline and purpose. And the reply to the question is in the relation of the conscious to the unconscious attitudes, the emotional reactions that the unconscious attitudes produced under the historically given dramatic setting, and the purposes and aims that these unconscious attitudes suggested or even imposed. In their conscious attitudes they indeed were quite free and freely they differed, but they shared the same unconscious attitudes and hence the same emotional reactions and the same emotional purposes. Their whence and whither seem to have been determined by conditions not of their making—their unconscious attitudes and their historical setting.

Schelling is frank and outspoken about the political implications of attitudes. He considers rationalism and the principle of utility as either fatal or undermining to the state.[1] True philosophy must be emphatically opposed to Enlightenment.[2] On more than one occasion he even suggests that the state should not tolerate Enlightenment and holds that the prohibition of such philosophy may, under certain circumstances, be praiseworthy.[3] Like Fichte he combats Reason (*Verstand*) by *Vernunft,* which is an insight into the transcendental Ideas that govern the world. This insight he gains not in a formal critical way, but by intuition (*Intellectuelle Anschauung*). Like Fichte he resorts to a necessary historical world-order, but unlike him he includes in that historical order

[1] "Eine Richtung in der Wissenschaft halte ich in Beziehung auf den Staat für verderblich und die andere für untergrabend." Schelling, *Werke,* Vol. V, p. 258.

[2] "Dieser Ideenleerheit, die sich Aufklärung zu nennen untersteht, ist die Philosophie am meisten entgegen gesetzt." *Ibid.,* p. 258.

[3] "Der Staat begünstige nur erst, dass der gemeine Verstand Schiedsrichter über Ideen sei, so wird dieser sich bald auch über den Staat erheben, dessen auf Vernunft und die Ideen gegründete Verfassung er so wenig wie diese begreift. . . ." *Ibid.,* p. 258. "Es ist nicht zu verwundern und wäre an sich, wenn man nicht auf andere Weise über den Werth und die Bedeutung davon aufgeklärt würde, sogar preiswürdig, dass eine kraftvolle Regierung unter diesem Volk jene leeren Abstractionem proscribirt." *Ibid.,* p. 259.

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inanimate nature as well. Thus the historical process embraces the entire universe, and this historical process is its fate, its inevitable development. Nature may be conceived as a vast poem or drama of God in which there are many characters, each of them playing a separate conscious rôle, and yet all are but parts of one entity which one Spirit composed.[1] History, therefore, is a gradual revelation of the Absolute.[2] Hegel's system is obviously close to Schelling's, but more consistently thought out although pursuing in the main the same ends. He is superbly unafraid, even of Rationalism. In 1802 he is publishing together with Schelling their *Kritisches Journal der Philosophie*. The articles written by the editors in the four numbers of this journal are presumably joint productions. In these articles we find their joint antagonism to the "*Aufklärerey*". Their patriotic reactions are the same. In Hegel's early writings we find the same appeal to the historical fate as in Schelling.[3] Schelling's historical fate, however, has no logical quality whatsoever; the historical movement is produced teleologically by an urge in the organic universe that drives the unconscious to an ever clearer state of self-consciousness. Insight into this historical process has also nothing to do with logical processes, for we grasp it by intuition. It is in the recasting of Fichte's world-plan and Schelling's fate into a logical historico-dialectic process that Hegel's own achievement consisted. To do that he had to create a logic not of being but of becoming. Clearly the "becoming" could not be a free "becoming", expressing some purposes of our own. The process had to be an inevit-

[1] *Ibid.*, Vol. III, p. 602.

[2] *Ibid.*, Vol. III, p. 603.

[3] "Der ursprüngliche, nie gebändigte Charakter der deutschen Nation bestimmte die eiserne Notwendigkeit ihres Schicksals. Innerhalb der von diesem Schicksal gegebenen Sphäre treiben Politik, Religion, Not, Tugend, Gewalt, Vernunft, List und alle Mächte, welche das menschliche Geschlecht bewegen, auf dem weiten Schlachtfelde, das ihnen erlaubt ist, ihr gewaltiges, scheinbar ordnungsloses Spiel. Jede beträgt sich als eine absolutfreie und selbständige Macht, bewustlos, das *sie alle Werkzeuge in der Hand höherer Mächte,* des *uranfänglichen Schicksals und* der alles besiegenden Zeit, sind, die jener Freiheit und Selbständigkeit lachen." Hegel, *Sammtliche Werke* (Lasson Edition, 1913), Vol. VII, p. 74.

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able process; our own wills and purposes must be determined by this process, not *vice versa,* for otherwise it would have been necessary to invoke rationalistic criteria, which the systems, whether of Fichte or Schelling or Hegel, for obvious reasons tried to obviate. But an appeal to an historical inevitable process, to Hegel's mind, necessitated a new historico-dynamic logic. The "becoming" is dialectically conceived as a movement through opposites—the famous thesis, antithesis, synthesis. We can see from this triadic mode of thinking what little significance *causation* has as one of the orthodox forms of thinking! There is no causation in this dialectic process, but neither is there in any revelation. Hegel's dialectic logic is after all but a logic of the historical self-revelation of the Universal Spirit in whom affirmation, negation and reaffirmation are united. While the psychological and *causal motivation* for this logic was in the appeal from Rationalism to an historical process, this historical process now requires the same dialectic process to permeate nature entire, thus abolishing the great divide between nature as a realm of necessity and the moral world as the realm of freedom. The same Universal Spirit permeates the entire world; all the dialectic movements are his movements. Our very insight into them is but the Spirit's *ex post facto* insight. The Age of Reason is thus turned dialectically into an Age of History, a history which is but a dialectic unfolding of the Universal Spirit, a history that is a theodicy.[1]

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[1] This series of articles by Professor Simkhovitch is to be continued in a later number of the POLITICAL SCIENCE QUARTERLY.—ED.

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# THE AGRICULTURAL POLICY OF FRANCE [1]

## VII

FRANCE is a country in which associationism also is expected to play a considerable rôle in economic life. It is in associations that the traditions are preserved and policies formulated. There are, for instance, upwards of 9,000 syndicates, ranging in size from very small to very large —from a dozen members to more than 20,000. The name *syndicat* is at first confusing. In reality these associations function as collectives for buying material both for production and for consumption.[2] There are also some 4,000 coöperatives for production and sale which have 500,000 members. Coöperative credit has developed to the extent of 5,500 local and 100 regional associations of which there are 350,000 members. There is, besides these, the beginning of a very promising mutual insurance movement.[3]

There are few communities, however small, in which the coöperative movement is not active; and if less than 20,000 seems not a large number of associations for some five millions of peasant establishments, it must be remembered that the social influence in local communities of these coöperators is very

[1] This concludes a series of articles, the first two of which were published in the POLITICAL SCIENCE QUARTERLY for June, 1930, pp. 214-230, and for September, 1930, pp. 405-428.

[2] They began even before the regularizing law of 1884 as associations for buying fertilizer and for defense against frauds in quality.

[3] The best discussion of French agricultural associations is to be found in Auge-Laribe, *Syndicats et cooperatives agricoles*. The *Bulletin du Ministère du Travail* in 1925 is responsible for the figures cited above. Auge-Laribe, in the work cited, discusses these statistics and concludes that they are an under- rather than an over-estimation (see p. 90). In general "il n'y a pas de doute en tout cas que l'idée d'association a fait des grands progrès dans les campagnes depuis la guerre. Non seulement les syndiqués sont plus nombreux, mais ils comprennent mieux l'intérêt que présente pour eux le syndicat." At present this is about all that can be said. The *Annuaire statistique* (p. 47) for 1926 gives the number of syndicates as 9,941 and the membership as 1,223,000. No more recent figures have been published.



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much wider than appears on the surface. The most enterprising and prosperous proprietors in the community are those actively associated in the movement. It is their influence which is most decisive. Yet it is true that by comparison with some of her European neighbors, France is backward in the coöperative movement. This is accounted for, probably, by the characteristics commented on by nearly every writer on the French peasantry: they possess a unique capacity for taking pains; infinite care and work are lavished on each cultivated acre whether the soil be good or bad, and they prefer reliance on their own minute and individual study, and their vast capacity for sticking at discouraging tasks, to adventures in social experiment. This quality may be a doubtful substitute for willingness to coöperate and to change as new technical possibilities are revealed. It seems, indeed, to have left France far behind her neighbors in production per acre,[1] but it is what the peasants themselves prefer. The government would like to encourage the development of associations, both because the movement already has considerable momentum and because it makes possible a contact with the large number of individual peasants which it seems impossible to obtain in any other way.[2]

[1] The *Annuaire internationale de statistique agricole* places France eighth in wheat, barley, rye and sugar beet production per hectare; and in the same relative position in the production per hectare of horses, cattle and hogs. In some instances she is very far behind: the cereal yields of Belgium are twice as high, for instance. But such figures need to be treated with some care. France has encouraged wheat growing to the point of bringing much very poor land into production, especially in her mountainous départements. Yields in the départements adjacent to Belgium—such as the Nord—are just as high. It is also significant that those countries which surpass her are close neighbors in much the same stage of development: Luxemburg, Germany, Switzerland, Great Britain, Holland, Belgium and Denmark. The encouragement of a certain kind of culture may be rather a disservice than a service if the encouragement is not guided by far-seeing policy.

[2] The project recommended by the Finance Commission of the Chamber of Deputies, in 1928, illustrates this. There was proposed, as we have noted, a credit of one billion francs, over and above the ordinary budget, for agricultural improvement. One-half of this was to be devoted to research, education and popularization; but the other half "seront mis à la disposition des syndicats agricoles cantonaux ou communaux pour faciliter et moderniser la production et la commerce des denrées agricoles."

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In the reorganizing of agricultural markets, so pressing a matter in France, or in supplying credits, or in raising living standards, the chief way envisaged to make the connection between government and farmers is through these associations.[1] Peasants who refuse to join are pretty much left out of the government's purview. There are some other resources—the old established private credit institutions, for instance,[2] and the ordinary channels for marketing goods at wholesale and of buying others at retail; and there are more extensive farmers' markets in the towns than we have in America. But any progress in these matters is expected to come through the syndicates and coöperatives.

The legal basis of these associations[3] is established in the law "*relative to association contracts*" of 1884 and the regu-

[1] There is an interesting effort to regularize the channels of information and representation in the new Chambres d'Agriculture authorized by a law of 1920 (*Journal Officiel,* 15 November, 1920). These are conceived as representatives of the general agricultural interests of départements, and in their conventions, of all France. Their elections are official and the electors are composed of all classes of farmers, of workers, of educators and experts, and of women. What their effect will be it is still too early to tell. Organization is by no means complete; for although they were authorized in 1920, only in 1927 were the credits provided to meet the expense of the rather elaborate elections prescribed. It is clear, however, that they are representative of the main tradition of French policy. They are vocational, local and representative institutions. It is desired to keep variety and balance, to preserve the differences among neighborhoods and départements. If one remembers the relatively small size of all France (as compared with the United States, Canada or Russia, for instance) it is rather surprising to note the insistence, even in this small territory, on the preservation of differences. There is undoubtedly a geographic and cultural background for this; it is difficult to reconcile sometimes, at first, with other attitudes, such as the insistence on self-sufficiency; yet in another way it is easy to see how a varied and balanced production can, when it has persisted without compulsion for a long time, come to seem natural and permanent. If there is a lack of logic in the attempt to force its continuation by artificial means, the inconsistency can at least be understood by reference to history.

[2] Such as the Crédit Foncier.

[3] Laws having to do with agricultural associations are always published, as are others, in the *Journal Officiel.* This source, however, is difficult to use. Those having to do specifically with agriculture may also be found in the *Bulletin mensuel de l'office des renseignements agricoles.* An easier source is the *Annuaire de l'agriculture et des associations agricoles* edited by C. Silvestre and published as an annual at Lyons.

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latory decrees and modifying laws which followed. It is this law which still forms the basis; but that of 1920 modified it considerably. The old law was too general, so that in 1908 the *Cour de Cassation* in a singular decision ruled against the right of syndicates to buy for resale. They ought, the court thought, to confine themselves to acting as agents. This decision served to cause a parliamentary redefinition in 1920. Today the guiding text is to be found inserted [1] in the *Code du Travail* rather than in the *Code Rural,* which is rather a definition of property rights and of the rights and duties of rural proprietorship. It confers on these coöperatives wide powers to act for individual members and recognizes them as entities in public policy. Unions of syndicates are also legalized.[2] These laws, of course, only codified customs and legalized social organisms which already existed. But it was important to do so. For, as they grew in strength, they were subject to the attack of many natural enemies: legal status assisted in defense. Also, as time went on, they became more and more the channel through which government policy functioned and it was necessary that they should be entirely regular. It was, however, found necessary to legalize separately consumers' and producers' coöperatives, which showed signs of becoming important. A law of 1917, modified in 1920, accomplished this. The minimum capital and the rate of interest on investment were fixed; they were prohibited from selling exclusively to members; and provision was made for advances from state funds to assist in organization. In 1923 this law was further particularized and models of constitutions for creameries, cheese factories, and timber-workers' groups were issued by the ministry. By this time the legal permission to organize

[1] As Book III, Titles 1 and 3.

[2] Of these, official statistics record 176 but there may be more small groupings not officially recognized. Among the stronger ones are: L'Union du Sud Est covering 13 départements in the region of Lyons with 1,032 affiliated syndicates having 160,000 members; L'Union du Plateau Central, with 800 affiliated syndicates and 25,000 members; and the Fédération du Centre, with 656 syndicates and 150,000 members. In 1919 there was created the Confédération Nationale des Associations Agricoles, which groups together the large associations. *Cf.*, again, Auge-Laribe, *op. cit.*, p. 91 *et seq.*

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was not only thoroughly worked out, but state aid to special groups had begun to flow through these channels.

Agricultural credit societies had a somewhat similar history,[1] complicated by many changes of policy. It was about 1893 that Raiffeisen Societies began to spread into France, and, in one way or another, the movement has continued ever since. Under pressure, they were legalized by Parliament and gradually made an instrument of policy as other syndicates were. The government funds distributed through these channels were finally, in 1921, changed over to a separate establishment, *L'Office Nationale de Crédit Agricole,* which, under its later title (1926), *Caisse Nationale de Crédit Agricole,* is the agricultural bank of France, administered by a government board, acting as a rediscounting agency for local offices and controlling government funds advanced for agricultural purposes. Mutual insurance societies against losses from frost, hail, pests, etc. have been similarly recognized and given legal status.

This elaborate legalization of associations for agricultural activity shows, at least, that French policy has not been to oppose their growth but rather to foster it and to make it the organization through which the influence of the government may be brought to bear.[2]

This long-standing feature of French policy has doubtless contributed to agricultural well-being in numerous ways, but never more strikingly than during the post-war years when the syndicates for credit were made the channel for a remarkable distribution of funds at low interest rates. In no other way, perhaps, has the government so favored its farmers. When inflation became most marked in post-war years the situation of the agriculturist was such that he could better use whatever funds came into his hands in the purchase of more

[1] For an interesting short account see the *Annuaire de l'agriculture et des associations agricoles,* cited above, pp. 40-41, as an introduction to the text of the law.

[2] It is interesting to note the likeness of this to our dependence on the coöperative structure as the channel for farm relief. The difficulty is, of course, that in America this collectivism is not indigenous and has not a long history of vitality to support a belief that it can be depended on.

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land or in making permanent improvements than in any other way. He could thus protect himself somewhat against the fall of the franc. If with low-value francs he could acquire the means to produce goods which some time in the future might sell for high-value francs he would be better off than if he spent his income in immediate productive operations. Probably everyone in France would have liked, during inflation, to salt away funds in real property, but, as always in such emergencies, funds were scarce and interest rates high. When the provision of state-aid funds to agriculture is surveyed, therefore, during this period, the favoritism appears all the more remarkable.

This is made clearer by understanding the structure of rural credit. First there are 5,358 *Caisses Locales de Crédit Agricole*.[1] These are affiliated to 98 regional *Caisses* which, in turn, head up in the national bank already mentioned. To the regional banks there were advances outstanding on December 31, 1926 of 736,309,000 francs.[2] Professor Ogburn in his analysis of post-war economic developments in France [3] displays a table which shows that these state advances grew from 11 millions in 1910 and 12 millions in 1913 to 160 millions in 1925. Also that private funds for rural credit increased in amount from 91 millions in 1913 to 286 millions in 1925. One of the interesting features of this growth is that long-term credit advances grew much faster than short or medium term. There was, in fact, a twelvefold increase in long-term credits while those for short terms were increasing 2.5 times. That this great growth was mostly accounted for by state advances is shown by comparing increases in private funds with state advances. The former failed to double between 1920 and 1925. The latter multiplied nearly six times.

It is worth noticing, also, that interest rates were very low.

[1] These are mutual credit syndicates in which farmers lend as well as borrow.

[2] *Annuaire statistique* for 1927, p. 131.

*The Economic Development of Post-War France* (Columbia University Press, 1929) by William F. Ogburn and William Jaffé, p. 501.

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The largest and oldest of the private mortgage banks, the *Crédit Foncier,* charged a rate of about 8 per cent. Mutual credit societies, lending their own and government funds on long terms, were getting interest at the rate of 2 per cent until 1927, and after that 3 per cent. Short-term interest in 1926 ranged from 4 or 5 per cent to 8.25 per cent; medium term ranged from 5 to 8.5 per cent.[1]

## VIII

It seems not impossible that this expansion of long-term credits, together with the relatively less rapid rise in land values than in other prices, may have had more considerable consequences than appear on the surface. The already low proportion of tenant farmers may have been reduced, for one thing. Numbers of tenants may have purchased from absentee owners the land they work. In another field also there may have been a tendency for farmers to escape some of the heavy burdens of taxation which, for most classes in France, have increased in recent years. We have, as yet, no measure of such changes, and can only point to these as possibilities. In any case it is probable that they were not foreseen in the adoption of governmental policy, but arose rather from the fortuitous circumstances of a changing economy.

Another similar shift may be mentioned. It is important to any industrial producer in what proportion his "fixed" and "circulating" capital is combined. There are some statistics which tend to show a more rapid rise in the prices of such farmers' production goods as machinery and fertilizers than in the price of land itself. Such a situation, continuing over some years, would tend to increase the relative amount of circulating capital employed in the enterprise. This is on the

[1] *Annuaire statistique,* p. 131. If wonder arises as to the source of these state advances, this is explained by going back to the curious arrangement of 1899 by which royalties paid by the Bank of France to the treasury were allocated to *Caisses Régionales de Crédit Agricole Mutuel* without interest. In 1920 a certain percentage of the Bank's profits was also similarly segregated. The Bank's profits of course grew with inflation and the increase of circulating media of exchange. Agriculture thus gained indirectly by an inflation which might otherwise have been disastrous.

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assumption that these production goods would be bought irrespective of their advanced cost. On the other hand these increased prices may have tended to restrict this sort of buying and made the purchase of additional land seem to be the more attractive use for available funds—either possessed or borrowed. It is not impossible that both these changes may have come about: the relative amount of circulating capital may have increased; and there may have been considerable changes in landholding. There is sufficient probability of this to warrant some consideration of the possible effects.

If circulating capital has actually increased in proportion to fixed capital, farmers are better off than they might otherwise be. This is because the expense involved has to be spread over fewer successive crops and so assists in defense against price changes; it tends to reduce the great overhead expense of agriculture. There are, it is true, considerable differences in this respect even among the forms of producers' goods. Circulating capital is usually defined as capital which is used up in a single productive process; and fixed capital is differentiated by its amenability to many successive uses. In agriculture it is better to distinguish between the land and its permanent improvements, including buildings, as fixed, and all the other forms (tools, machinery, seeds, fertilizer, draught animals) as circulating. The flexibility of the farmer, in the face of changing conditions of demand or shifting levels of price, is reduced by any proportionate increase in fixed investment. It is made greater by any proportionate increase in less fixed forms. If there has been anything like the tendency which some observers think they see in France to an increase of circulating rather than fixed capital, the long-run position of the farmer must have improved.

As has been suggested, this may have gone on, because it is difficult in these times to farm at all without considerable investment in these kinds of capital, in spite of high prices for these goods and in spite of attractive low prices for land. And since long-term credits were available, and have been used in large volume, it is not unlikely that a reorganization, on a more or less large scale, of the land system may have taken

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place simultaneously. It would not be surprising if, when the next census is taken, it should be seen that tenancy had been reduced and that the size-distribution of holdings had shifted. The general average of farm-size may not have changed, because small holdings of a semi-garden nature may also have increased in number; but there may be shown a considerable increase in the number of farms centering around the hundred-acre size. The nature of current information permits no more than a consideration of probabilities in this matter; but these probabilities are sufficiently strong to cause the student to watch further developments with interest.

One other concomitant of this situation, which has to be mentioned with even greater reserve, is the bearing which these suggested developments may prove to have had on what Mr. Ogburn has called "the decline in agriculture".[1] This "decline" he arrived at by constructing a weighted index of crop production in the years 1919-26.[2] On a base of 1909-13 as 100, the years compared as follows:

| | | | |
|---|---|---|---|
| 1919 | 69.9 | 1923 | 86.1 |
| 1920 | 70.8 | 1924 | 95.9 |
| 1921 | 75.6 | 1925 | 99.9 |
| 1922 | 87.1 | 1926 | 82.1 |

The crops included between 65 and 70 per cent of agricultural production. Meat was omitted; so were "flax, hemp, tobacco, hops, cocoons, garden crops, fruit, poultry, eggs, honey, straw and manure." Since the cereals represent, in total, some 44 per cent of the usual production, about two-thirds of the importance in this index is attributable to them. What the reduced figures in some years mean, really, is that there were poor cereal crops. Take, for instance, the contrast between 1925 and 1926 when the index fell off 16.8 points. The wheat crop alone in 1926 was 26,828,000 quintals less than in 1925. It is true that there was a reduction of 365,000 hectares in the acreage; but what accounted for the great change was the more

[1] Ogburn and Jaffé, *op. cit.*, p. 482.

[2] *Ibid.*, p. 481.

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significant drop of 4.02 metric quintals per hectare in the yield.[1]

The point has already been made that France is changing over from the cereals to other crops; the figures cited by Mr. Ogburn show that the pressure in this direction is considerable in spite of official resistance. But it seems rather too much to say that there is, in an index omitting meat, garden crops and some others, sufficient evidence of an agricultural "decline". They might, indeed, carry some suggestion that the reverse is true. Here some of the considerations suggested above may be in point. The enlarging of individual holdings and the opening of opportunities for ownership to former tenants, may have tended to concentrate cultivation on the better lands and to turn back to pasture or forest other lands which had once been forced into cultivation. Statistics of the increase of "temporary" and "permanent" meadows and pastures, and even the so-called "unproductive area,"[2] might be interpreted as showing improvement rather than decline. Color is lent to this surmise by the observation that the increase of pastures and meadows seems to be mostly in those hilly départements where cultivation ought always to have been much more restricted than it has been; also, as we have noticed, the government is doing something toward reforesting these lands. At any rate, it seems too soon to conclude that agriculture in France is really "declining" in a social sense, though there are, it must be admitted, a number of unfavorable signs.

Perhaps as good a way as any to judge is to consider first a table showing the contemporary situation concerning acreages under cultivation; and afterward another showing average yields. If there is an agricultural decline, it ought to appear in these figures.

[1] For all these figures consult the *Annuaire statistique*, 1926, p. 144 *et seq.* A metric quintal is roughly 220 pounds. This reduction is, then, approximately eight bushels per acre.

[2] *Annuaire statistique* and Ogburn and Jaffé, *op. cit.*, pp. 479 and 482.

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PRINCIPAL USES OF LAND IN FRANCE [1]

(In thousands of hectares) [2]

| Crops | Average 1904–13 | 1919 | 1927 | | 1928 Provisory Figures |
|---|---|---|---|---|---|
| | | | Provisory Figures | Definitive Figures | |
| Wheat | 6,539 | 4,604 | 5,245 | 5,287 | 5,178 |
| Rye | 1,227 | 772 | 797 | 777 | 789 |
| Barley | 734 | 561 | 710 | 707 | 735 |
| Buckwheat | 494 | 328 | 354 | 365 | 351 |
| Oats | 3,910 | 2,855 | 3,457 | 3,457 | 3,466 |
| Total for cereals [3] | 13,526 | 9,533 | 11,107 | 11,401 | 10,944 |
| Beans, peas, lentils | 171 | 166 | 310 | 251 | 158 |
| Total for legumes [4] | 300 | 276 | ? | 322 | ? |
| Roots [5] | 1,656 | 1,361 | 1,720 | 1,635 | 1,618 |
| Beets | 287 | 95 | 251 | 266 | 265 |
| Total for industrial crops [6] | 389 | 163 | ? | 339 | ? |
| Foreign crops | 5,176 | 4,489 | 5,305 | 5,308 | 5,211 |
| Natural meadows | 4,811 | 4,793 | 5,369 | 5,256 | 5,440 |
| Pastures | 4,074 | 5,761 | ? | 6,111 | ? |
| Vines | 1,655 | 1,559 | ? | 1,577 | 1,616 |
| Market gardens | 244 | 275 | ? | 324 | ? |
| Forests | 9,568 | 9,887 | ? | 10,457 | ? |
| Uncultivated | 3,815 | 5,023 | ? | 4,579 | ? |

Agriculture in France is beyond question changing; but such changes as there are may well turn out to be for the better. What is most disquieting is the persistence of comparatively low yields; yet in the figures we have cited even these appear to be well above the pre-war averages. Besides, the lower yields seem to be in the very crops which are being slowly abandoned, as is shown in the table summarizing the uses of land since 1904, and may simply indicate that these are

[1] Figures from the *Journal Officiel*, 4 June, 25 July, 30 September, 4 October, 1 December, 1928. The "provisory" figures are the estimates made before harvest. How closely they forecast the actual harvest may be judged by comparison with the "definitive" figures. "Definitive" figures for 1928 are not yet available.

[2] A hectare is 2.47 acres.

[3] Besides the cereals given, this includes mixed wheat and rye (maslin), maize and millet.

[4] Beans and peas, dry or green, lentils, kidney beans, etc.

[5] Potatoes and topinambours.

[6] In addition to beets: tobacco, hops, hemp, kale, turnips, etc.

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YIELDS FOR PRINCIPAL CROPS IN FRANCE [1]

(In metric quintals per hectare) [2]

| Crop | Average 1904–13 | 1919 | 1925 | 1926 | 1927 | 1928 |
|---|---|---|---|---|---|---|
| Wheat | 13.52 | 13.95 | 16.03 | 12.01 | 14.57 | 14.59 |
| Oats | 12.42 | 8.73 | 13.66 | 15.05 | 15.64 | 14.06 |
| Potatoes | 87.61 | 61.54 | 103.75 | 72.45 | 108.76 | 74.39 |
| Sugar beets | 245.12 | 167.20 | 247.18 | 213.85 | 252.3 | 225.5 |
| Wines (hectoliters) | 32.73 | 36.22 | 42.20 | 27.94 | 36. | 44.59 |
| Hay | 34.81 | 27.81 | 35.74 | 32.06 | 33.5 | 30.32 |

perhaps the products which ought not to be cultivated so extensively. Then, also, some importance must be attributed to the known greater relative rise in circulating capital charges. Persistently low yields may result in part from inability or reluctance to invest in high-priced production goods—which might increase yields, but at an unprofitable expense, especially when there is a direct contrast with comparative bargains to be had by investing in more land. But then, again, observation would seem to show some unmeasurable tendency for the countryside to grow more shabby. Capital may have been eaten into these last few years; fertility may have been depleted; the land may have had less meticulous care. If these observations are well taken, the figures for reduced production, properly discounted, may indeed show something like a general agricultural decline. If this is true, it is, for France as for almost no other country, evidence of tragic change, so far-reaching in a cultural sense as to preshadow consequences which must certainly affect the whole nation.

## IX

This brings us to a consideration of an even more debatable series of topics. One good way of judging the success of French policy with respect to agriculture would be the construction of a "prosperity index". There are a number of

[1] From M. Auge-Laribe, "La production agricole", *Revue d'Économie Politique,* May–June, 1929, pp. 566-90. This is the latest of the annual reviews mentioned above.

[2] A metric quintal is approximately 220 pounds.

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reasons why it is impossible to do this. What, exactly, would be wanted is a contrast between the prices farmers actually pay and those which they receive. Wholesale price indexes will not do for this purpose. In France, as elsewhere, they are collected at urban centers, so that even if a distinction is made between "agricultural" and "other" goods, the contrast is not particularly illuminating. Wholesale prices of agricultural goods would not necessarily represent prices paid at the farm. There would be some transportation and marketing expense, as well as several middlemen's profits, added by the time this stage had been reached. Neither would wholesale prices for industrial goods represent what farmers had to pay for their production and consumption goods. There would be, again, transportation and marketing expenses, and some profits, still to be added. This is the famous problem of the "scissors".

In spite of the unsatisfactory results to be had from the use of wholesale prices for this purpose, something can be told from them. Mr. Ogburn, with only wholesale prices at his command, did what could be done with this method. A comparison was made, using the wholesale price index numbers of the *Bulletin de la statistique générale de la France*,[1] which showed a rise in the wholesale index of prices for foodstuffs of 631 points to 1926; for industrial materials the comparable rise was 762 points. This would clearly show that farmers were comparatively worse off in 1926 than they were before the war. The industrial materials index, as Mr. Ogburn explains, is, however, hardly comparable. It is made up of the prices of twenty-five articles, including raw materials and imported products as well as products manufactured in France. "Furthermore, these industrial materials often constitute elements entering into the cost of production in certain industries rather than finished consumers' products".[2]

It was therefore preferred to use index numbers of certain important commodities which enter directly into farmers' costs: farm machinery, fertilizers and laborers' wages. The

[1] January–March, 1927, p. 132, and *Annuaire statistique*, 1925, p. 207 *et seq.*; also Ogburn and Jaffé, *op. cit.*, p. 491 *et seq.*

[2] Ogburn and Jaffé, *op. cit.*, pp. 490-91.

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result of this comparison showed that farm machinery "had gone up in price a little more than farm products"; but that "the value of farm products kept pace, in general, with the advancing cost of artificial manures"; and "the wage item in the farmers' expense account represented after the war perhaps a lower ratio in comparison with the price received for his products than before the war". Also, as to taxes, the generalization is ventured that "the amount of taxes paid by the French farmer in the post-war period increased proportionally more than the price received for his crop."[1] There is no general conclusion to be drawn from this series of price comparisons. Perhaps somewhat more significance is to be attached to a table constructed by M. L. Dugé de Bernonville in his *Essai d'un indice pondéré des prix de gros en France*,[2] reproduced on page 541.

This table shows a relatively greater increase for "food and agricultural products" than for "industrial products". Indeed, the index for the former rose 76 points and that for the latter actually fell 18 points. This is to take the situation in mid-winter. But farmers have little to sell at that time of year. Indeed the marketing of the farmer is probably quicker in France than in the United States on the whole, because of our more extensive provision for storage. It is fairer to compare one September with another; and if we do that we see that the index, instead of rising, fell 112 points. And if the two Octobers are compared, a fall of 148 points is seen. Some other generalizations might be made concerning the rapidity of change in the two inclusive indexes; but so short a series proves nothing concerning a price advantage enjoyed by the sellers of either group of commodities. Nor is it possible to complete M. de Bernonville's weighted index for later years. And if the "*indices économiques*" of the *Bulletin*

[1] *Ibid.*, pp. 492-94. But the admission is freely made that these measures are inconclusive for the reason that the data are fragmentary and often contradictory and not based on actual prices paid or received.

[2] Published as a special study in the *Bulletin de la statistique générale de la France*, January–March, 1928, p. 201 *et seq.* The table quoted is to be found on page 215.

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WEIGHTED INDEX OF WHOLESALE PRICES

(126 articles)

1913 = 100

| (Figures for the ends of the months) | General Index | Agricultural and Food Products | | | Industrial Products | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Of Vegetable Origin | Of Animal Origin | Together | Minerals and Metals | Textiles | Leathers and Hides | Chemical Products | Rubber Goods | Paper | Lumber | Cements, Bricks, etc. | Together |
| 1926 | | | | | | | | | | | | | |
| January | 601 | 466 | 522 | 487 | 507 | 897 | 493 | 591 | 390 | 785 | 682 | 457 | 700 |
| February | 606 | 471 | 523 | 491 | 513 | 903 | 508 | 593 | 325 | 801 | 682 | 473 | 706 |
| March | 616 | 478 | 526 | 496 | 519 | 928 | 495 | 602 | 368 | 842 | 682 | 473 | 719 |
| April | 634 | 507 | 525 | 513 | 535 | 955 | 503 | 631 | 303 | 871 | 682 | 493 | 739 |
| May | 673 | 553 | 531 | 545 | 554 | 1026 | 529 | 671 | 324 | 924 | 703 | 492 | 784 |
| June | 723 | 637 | 513 | 590 | 590 | 1102 | 548 | 712 | 313 | 942 | 759 | 536 | 837 |
| July | 806 | 690 | 536 | 632 | 663 | 1290 | 580 | 780 | 352 | 1055 | 852 | 549 | 957 |
| August | 763 | 670 | 543 | 622 | 675 | 1114 | 628 | 774 | 305 | 942 | 851 | 563 | 884 |
| September | 783 | 718 | 567 | 661 | 678 | 1115 | 615 | 771 | 296 | 942 | 913 | 608 | 889 |
| October | 765 | 729 | 593 | 678 | 664 | 1016 | 621 | 742 | 319 | 877 | 934 | 610 | 841 |
| November | 706 | 657 | 611 | 640 | 649 | 893 | 517 | 691 | 263 | 777 | 895 | 610 | 764 |
| December | 661 | 627 | 608 | 620 | 630 | 771 | 515 | 635 | 204 | 747 | 856 | 610 | 697 |
| 1927 | | | | | | | | | | | | | |
| January | 649 | 639 | 589 | 620 | 590 | 764 | 492 | 600 | 197 | 686 | 817 | 610 | 674 |
| February | 656 | 667 | 584 | 636 | 559 | 783 | 486 | 600 | 205 | 681 | 817 | 610 | 674 |
| March | 661 | 669 | 599 | 642 | 553 | 795 | 489 | 604 | 210 | 681 | 817 | 610 | 677 |
| April | 667 | 712 | 577 | 661 | 537 | 803 | 490 | 599 | 210 | 681 | 770 | 607 | 673 |
| May | 658 | 695 | 551 | 641 | 531 | 811 | 494 | 596 | 217 | 681 | 743 | 607 | 673 |
| June | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| July | 637 | 641 | 521 | 595 | 518 | 823 | 504 | 581 | 193 | 669 | 743 | 603 | 673 |
| August | 640 | 617 | 543 | 586 | 514 | 856 | 536 | 582 | 192 | 668 | 717 | 603 | 688 |
| September | 624 | 599 | 533 | 549 | 505 | 862 | 565 | 572 | 183 | 657 | 709 | 603 | 689 |
| October | 613 | 535 | 522 | 530 | 492 | 857 | 585 | 586 | 186 | 621 | 709 | 603 | 685 |
| November | 615 | 531 | 550 | 538 | 496 | 842 | 612 | 580 | 179 | 621 | 709 | 603 | 681 |
| December | 627 | 546 | 591 | 563 | 496 | 841 | 623 | 578 | 213 | 636 | 709 | 603 | 682 |

*de la statistique générale de la France* for a later period are consulted, the evidence there is equally inconclusive. The method of weighting is different from that used by M. de Bernonville and the figures are therefore not comparable, but there appears to have been a slight and almost equal increase in the indexes of both "food products" and "industrial materials".[1] As a matter of fact, the student of agricultural conditions and especially of the relative prosperity of agri-

[1] *Bulletin de la statistique générale de la France*, January-March, 1929, p. 8.

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culture as compared with other industries has very little to learn from any statistics at present available. The only continuous series which might show clear contrast is that published in the *Bulletin* just cited. If that series is traced through from 1919 to 1928 under four headings, (1) vegetable products, (2) animal products, (3) textile products, (4) minerals and metals, the following contrast appears: [1]

| Base 100 1901–10 | Vegetable Products | Animal Products | Textiles | Minerals and Metals |
|---|---|---|---|---|
| January 1919 | 385.5 | 397.3 | 486.5 | 324.7 |
| January 1920 | 518.3 | 533.9 | 920.8 | 485.4 |
| January 1921 | 400.9 | 569.6 | 538.7 | 408.7 |
| January 1922 | 346.8 | 364.1 | 424.3 | 309.2 |
| January 1923 | 386.1 | 457.6 | 624.0 | 415.6 |
| January 1924 | 484.7 | 536.3 | 860.4 | 566.9 |
| January 1925 | 587.4 | 533.7 | 889.4 | 556.5 |
| January 1926 | 652.7 | 627.9 | 1100.7 | 752.7 |
| January 1927 | 757.3 | 667.9 | 780.1 | 737.0 |
| January 1928 | 706.0 | 650.0 | 927.0 | 631.0 |

All of these prices have shown considerable variation but all have tended rather steeply upward. For most of the period textile prices, at least, have been far above those for agricultural products; but minerals and metals have risen no faster than agricultural products. It is clear that no real light on the problem here under discussion can be had until there is better reporting of both retail prices at country stores and prices paid for products at the farm.

As has been noted before, M. Auge-Laribe attempted to decide, by another method, whether or not farming in France was profitable. His conclusion was that there could not be said to be a profit of more than one per cent. His method was to find the total expenses and total incomes of farmers in France, not from particular studies but from general reported statistics. It may be possible to do something of a similar sort again after the next census, but there is no current evidence which would show change one way or the other. Especially, of course, there is no evidence of any striking increase in farm

[1] From various issues of the *Bulletin*, 1919-1929.

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prosperity. It is still, probably, as it has latterly been, an industry whose profits are extremely low and whose rate of progress is slow and uncertain. But so much might be concluded from general observation; the statistics available at present add little to observation, so far as exact knowledge of the situation is concerned.

## X

It would be desirable, if it could be done, to test current policy by some generally recognized standard of results. We have already seen that this is at present impracticable if what we have in mind is prosperity among the classes under consideration. Another possible test would be the size of the annual production; but here again results are confused by the contemporary changes which are taking place. Still another might be reinvestigation of profits on the basis used by M. Auge-Laribe for 1912. Whatever tests are devised the same difficulty arises — that of discovering relevant quantitative information. But something can still be told by returning to the stated intentions concerning agriculture to which reference was made earlier. There may be no quantitative information which can be defended successfully, but general opinion is not infrequently based on shrewd judgment of conditions; and, as has been shown, there is an uneasiness everywhere in France concerning agriculture which suggests that fire of some kind causes the contemporary smoke. If there is in France a desire to improve agriculture, if there is talk of bettering rural life, and rationalizing cultivation, there is also no suggestion for planning and working on any such scale as will save the situation. There is good will, but it is not of the heroic sort. There is a love for farming, but it is a love of the technique, of the fine art of individual persuasion of nature, of immediate contact with the earth and its fruits. This may be a good, an end in itself; one can sympathize deeply with the feeling that this is so; but it cannot survive the economic forces which are directed against it.

Perhaps this system can be saved for a long time by manipulation of trade barriers, by subvention, by still greater intensi-

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fication of effort. But it must be done, just as wheat culture has been saved to France, at the obvious expense of the general living standard. And it is not to be supposed that an industrialized population will long consent to this policy.

The budgets analyzed here, the use made of customs regulations, and other evidences have pointed to a national policy somewhat less than vigorous in support of agriculture in spite of a feeling for the art itself. But perhaps the greatest handicap from which the peasant suffers in France is a wholly mistaken conception of the technique of agriculture in a world rapidly becoming nationalized after the factory fashion. There is a chapter in Pierre Regniers' *L'Ouvrier agricole* [1] in which the situation of France is recognized only to be deplored, and this attitude is general. Even those who see, apparently, what is happening, hope rather to prevent further normal evolution toward new cultures and techniques than to recognize and take advantage of these developments. Every hectare of cereal lost is figuratively wept over; every hectare returned to forage crops is counted lost. Much of the difficulty is attributed to a shortage of workers—which accounts for the present activity of immigration agencies. But it is doubtless true that the reason is to be found elsewhere. Most French fields are either too good or too small for this kind of farming. Yet many of them which are now in use ought not to be farmed at all. Provence, Dauphiné, Savoie and the *Massif Central* are populated with grubbing, village-living peasants whose work is painful to see and whose rewards are too small to furnish a decent living. The great difficulty is, if one may hazard a generalization, that those who are preoccupied with French policy think only of France and seldom of the world. Thinking in these restricted terms is a disservice to France herself. For if, on one side, as we have seen, her expenditures on agriculture are small, many of her policies are costly when they are thought of in world-wide and long-run terms. The terrain, climate and geographic situation of France are such that her energies in agriculture ought to be devoted mainly to

[1] Doin, Paris, 1924. The chapter referred to is titled "Culture et Machinisme".

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special and high-priced cultures. More primitive regions can furnish her bread, as they do her cotton; her sugar, as they do her rubber. Agriculture after the fashion of the Dakotas or Argentina is a waste of her land and her skill. She might well expand the production of many specialties which the world values generously — wines, liqueurs, cheese, poultry (*Volaille de Bresse* sells at a good ten per cent above the market in most European capitals), breeding stock, flowers and their perfumes, fruits, fresh and canned vegetables, *pâtés* and condiments, honeys, jams, pastries. These are the kind of thing for which her aptitudes amount to a national genius and the development of which is the obvious line she might profitably follow.

The general tenor of governmental behavior presents, when supplemented with various statements of intention, a fairly clear picture of policy toward agriculture. If total expenditures are compared with those of certain neighboring countries, they may fairly be called parsimonious. If customs regulations and other effective measures are subjected to comparative tests, they may fairly be said to discriminate against agriculture. In spite of the disabilities of small holdings, of market disadvantages which have left agriculture nearly or altogether profitless, of ungenerous governmental treatment, and of unwise attempts to direct its evolution, farming is expected to help itself just as industry is. There is no intention to assist directly by wholesale subvention either in producing or marketing operations; nor is there any indication that prices will be interfered with to enhance profits either by raising the price of the produce sold or by lowering that of the goods which are bought. If the situation is to be bettered technically, it must be because individual enterprisers can be educated or persuaded into doing it. There is no objection to expenditure for education or persuasion; nor is there vast effort to achieve them. There is no objection to small subventions; but these are regarded as extraordinary and temporary. It is hoped that certain disabilities of small scale and feeble power in the market will be removed by the development of coöperatives and syndicates, and these are to be encouraged

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both by small subventions and by making them the instruments through which contact of the government with individuals is to be maintained.

There is considerable emphasis on the betterment of rural life; but not to the extent of doing anything drastic. The most important allowance in the budget which has this end in view is that for the electrification campaign. This program of electrification has been pursued consistently since 1920. In the budget for that year an item of 3,500,000 francs was carried for this purpose. This has steadily increased until in 1928 it amounted altogether to well over 150,000,000 francs. At the end of 1928, 10,500 rural communes had been reached with power and light lines, not a small achievement in itself, but easy to exaggerate in its immediate effects. Few, however, of the other difficulties of rural life, so much talked of, have been attacked. Housing conditions, for instance, are worse rather than better. Some regulation of working conditions, and the extension of insurance for compensation in case of accidents and illness, have assisted the workers; but the peasant and his family remain untouched. The rural schools are seriously out of date; roads are, in general, badly kept. All in all, the ambitious program of 1918 can hardly be said to have been realized in any serious way.

On the whole the policy is characteristic even if not wholly definite or consistent. Of general interest and notable as a contrast with American policy, there is treatment of agricultural affairs in detail, a centralized control of whatever functions are set up, together with maintenance of local variety, and a readiness to interfere when interference is not too costly. There are some prohibitions and regulations; but there are many specific encouragements by the setting up of new machinery or the loan of new funds. One gets a general impression, also, that these would be more extensive and detailed if the exigencies of finance were not so great. There are no theoretical inhibitions restraining interference, so that no general doctrine of the sphere of the state can be inferred. Evidently the state is conceived as an instrument to be used in any instance where a practical benefit can be foreseen from such

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behavior. But there is considerable reason for saying that statesmen would rather have a good army than a sound agriculture; that national self-sufficiency is valued higher than an increase in the standard of living. This seems fair on the evidence of the budgets in which agriculture has quite frankly been sacrificed to the military establishment; and in which more concern is evidenced with the declining area of wheat than with inadequate housing or bad working conditions.

This one general policy stands out, indeed, very clearly. National self-sufficiency is considered a good in itself, above and beyond fact or reproach; and any sacrifice in this interest is considered justifiable. This involves the prevention of *national* specialization in production. And it involves keeping agricultural production as rounded and as varied as is the consumption of the people.

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# ENGLISH IMPERIAL THINKING, 1764-1783

## I

WITH the passing of the second British Empire and its resurrection in the form of a Commonwealth of Nations, students may sometimes wonder concerning the demise of the first and whether that was attended by any phenomenon of reincarnation. They may also inquire whether the successive changes have moved consistently in a given direction. Some attention to the crucifixion of the mercantile empire on the cross of American independence may serve to throw light on the recent metamorphosis.

The passage of the Sugar and Stamp Acts and the consequent rumblings in America very naturally had their repercussion in England.[1] If the answering barrage from the mother country was neither so extensive nor so eloquent as the onslaught of American pamphleteers, the results were quite as interesting. In the main, during the years between the Sugar Act and the Peace of Paris, the English pamphleteers can be grouped into three general classes. The earlier years when American claims seemed extravagant and presumptuous were marked in England by arbitrary denials. Later a concessive spirit not devoid of condescension was evident. Finally, when the breakup of the empire was a contingency within the comprehension of all but the dullest, suggestions advocating wholesale reform were freely published.

Denials of all the American contentions are interesting psychologically, but the conservatism of a Jenyns or a Knox belongs to the realm of political rather than imperial theory.

[1] Adam Smith wrote (*Wealth of Nations,* Everyman Ed., vol. II, p. 102) that "the expectation of a rupture with the colonies, accordingly, has struck the people of Great Britain with more terror than they ever felt for a Spanish armada, or a French invasion". See also F. J. Hinkhouse, *The Preliminaries of the American Revolution as seen in the English Press, 1763-1775* (New York, 1926). Before the Seven Years' War the English press and public were only slightly interested in American affairs. In fact, not until the resistance to the Stamp Act did America acquire a major place in English news.



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Making no concessions whatever, they assumed without question the right and even expediency of parliamentary taxation. Both felt that the future welfare of England and America would be most ideally guaranteed when Parliament was exercising the right to tax and legislate in all cases.[2]

Almost immediately, however, came evidence that not every Englishman saw the issue in so simple a light. Numerous writers in the public prints began to express the fear that the colonial policy would drive America and England farther apart rather than fulfill its avowed purpose of binding the empire together.[3] One of them, Thomas Crowley, writing a series of letters over the title *Amor Patriae*, formulated a theory of empire not far removed from imperial federation and home rule.

In a communication to the public he held that the "Colonists seem to have a constitutional Right, as Englishmen to be consulted" about taxes.[4] To guarantee this right let America send representatives to Parliament and let

> their several Assemblies in America . . . retain the same Powers as heretofore, of making Provincial internal laws, peculiar to their several particular Colonies; but in matters relative to emperial [*sic*] or national concerns, as regards *Protection* and *Defense*, such laws to be enacted in the Parliament of Great

[2] Soame Jenyns, *The Objections to the Taxation of our American Colonies briefly Considered* (London, 1765); William Knox, *The Claim of the Colonies to an Exemption from Internal Taxes imposed by the Authority of Parliament Examined* (London, 1765). Similar non-imperial thinking is to be found in George Grenville's parliamentary speeches and in a pamphlet generally attributed to him, *Regulations Lately Made Concerning the Colonies* (London, 1765). Slightly more concessive was *The Late Occurrences in North America and Policy of Great Britain Considered* (London, 1766), whose author believed that the colonists were not actually disloyal. Though the author felt that Parliament "hath and ought to have a full and absolute sovereignty over all the British dominions", he was content that the colonies have some check against the king. This could be found in the charters.

[3] Hinkhouse, *op. cit.*, pp. 43 *et seq.*, 56 *et seq.*, 81 *et seq.* "Equus", for example, went so far as to plead for a return to the condition of 1763 when each colony enjoyed practical autonomy. *London Magazine*, January, 1766.

[4] Thomas Crowley, *Letters and Dissertations on Various Subjects* (London, n. d.), p. 8. Written January 1, 1766.

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> Britain and Dominions thereunto belonging, whose Power . . . is absolute.[5]

Somewhat later in briefly analyzing the controversy he denied the existence of virtual representation, and with it Parliament's right to tax internally.[6]

Of no less progressive tendency was Joshua Steele, a writer on prosody. In viewing imperial conditions he saw various degrees of self-government, but also unrest and possibilities of serious rupture. His recommendations were those of common sense. Let each province, he said, continue to govern itself as has been the case in the past. In order to prevent anarchy, however, let there be created for the "union and utility of the whole, a new sovereign council, consisting of deputies from each province of the Great Commonwealth."[7]

Dangerous though it may be to speak of men's being in advance of their time, little evidence is forthcoming to show that Crowley and Steele were anything more than voices crying in the wilderness. Certainly the politicians who have received so much gratitude for their announced sympathy made no such signal contributions.[8] Camden with his sophis-

[5] *Ibid.*, p. 9. The next day he outlined the same scheme in a letter to the Earl of C———; three weeks later to G——— G———; and on February 1, 1766 to the Earl of B———. *Ibid.*, pp. 32-33, 10-12, 14.

[6] *Ibid.*, pp. 16-18. Who Crowley was I have been unable to discover. He took a great deal of interest in such varied problems as infant mortality and a tax on bachelors. There seems to be some doubt as to when he actually wrote. Hinkhouse (*op. cit.*, p. 207) gives 1776 as the probable date of publication. The letters which I used, however, were dated as indicated. It should be added that the January 19, 1769, issue of the *Boston Weekly News-Letter* contained a letter signed *Amor Patriae* which recommended the same suggestions already abstracted. In addition to coincidence of ideas and pseudonym, there is the interesting fact that Ms. copies of both the 1766 letters and the 1769 letter are contained in the Mss. of the Earl of Dartmouth. A. L. Burt, *Imperial Architects* (London, 1912), p. 28, makes out a plausible case for Chatham's authorship of this plan. From internal evidence, however, I am unable to agree with him.

[7] *An Account of a Late Conference on the Occurrences in America in a Letter to a Friend* (London, 1766). Steele was possessed of estates in the Barbadoes. See article in the *Dictionary of National Biography*.

[8] The position of Fox calls for some discussion. Up to 1775 there was no evidence that he had advanced beyond the position of Chatham. In the debate

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tries and Pitt with his heroic "lowbrow" scorn for theories, played the part of politicians rather than imperialists. Ten years later Crowley and Steele had many allies, but in the critical interim the balance was against them.

Following hard upon Jenyns came William Bollan, another believer in the legislative supremacy of Parliament.[9] Though agreeing with Locke that the "law of nature stands as an eternal rule" to legislators, he insisted that the establishment of the legislative power was the first and fundamental positive law. This power, Bollan felt, was superior to the king and also to the charters granted by him. Nevertheless the king's authority did extend over the whole empire.[10] In view of these facts, improvement in American conditions could come only through representation in Parliament. Pending such reform the people should obey even improper laws.[11]

In the meantime, the anti-colonial reasoning of Jenyns, the suggestion of Bollan, and the bombast of politicians did not tell the whole story. The well informed, sympathetic Thomas Pownall issued various editions of *The Administration of the Colonies*.[12] Though never extremely pro-colonial, he had an intelligent appreciation of American claims, and as the con-

on the bill for regulating the government of Massachusetts Bay, Fox held that no right to tax either America or Ireland existed. Nevertheless he believed America to be "wrong in resisting against this country with regard to legislative authority". (*Parliamentary History,* vol. XVII, col. 1288.) Some years, however, we are presented with further evidence, evidence *post facto*. In speaking on affairs in Ireland in 1782, Fox said that "it had always been his opinion out of office, that it was downright tyranny to make laws for the internal government of a people, who were not represented among those by whom such laws were made". The Declaratory Act was inconsistent with his principles, for "he had always made a distinction between internal and external legislation". (*Ibid.,* vol. XXIII, cols. 21-22.) If these were Fox's principles, then he deserves a place alongside Shelburne as a statesman with some imperial foresight. The weight of testimony, however, inclines against his retroactive creed. Conway stood with the Fox of 1774. (*Ibid.,* vol. XVI, cols. 871-872; Cavendish, *Debates,* p. 217.)

[9] William Bollan, *A Succinct View of the Origin of our Colonies* (London, 1766), p. 10. Bollan had had colonial experience.

[10] *Ibid.,* pp. 9, 11, 14.

[11] *Ibid.,* pp. 25, 18, 28-29, 15-16.

[12] I have used the first edition (London, 1765) and the fourth (London, 1768), between which is a remarkable difference.

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troversy grew more intense his book became more suggestive. While he always held that "unity of legislation in the empire is as essential to the body politic as the deity to religion", he could also say, "I am no Partizan. I do not palliate the errors of Great Britain. I do not flatter the passions of America".

The utmost that Pownall had to offer in 1765 was in the nature of an inquiry. How far, he asked, have the colonists arrived at independency? Although they have no idea of independence, yet the colonists have begun to protest that they have rights of self-government.[13] Such a tendency moved Pownall to issue his own imperial credo in 1768. "The British Isles, with our possessions in the Atlantic and in America, are in fact, united into a one grand marine dominion; and ought therefore, by policy, to be united into a one *Imperium,* in a one center, where the seat of government is".[14] The administration of this organization, which was an important matter to Pownall, should be left to a Board of Trade and Plantations.

The first duty of this Board accordingly was to send out some considerable person to inquire into colonial claims. Such a step Pownall thought necessary because there existed not a little difference of opinion between England and the colonies.[15] Though Americans had demanded too much there could be no doubt concerning the duty of the government "to give, a right in the Colonies to claim, a share in the legislature of Great Britain".[16] Statesmanship and expediency demanded some concession, but nevertheless the Parliament must remain the supreme power in the empire. Consequently every universal act was binding on the colonies named or unnamed.[17]

[13] *The Administration of the Colonies* (1765), pp. 28-29, 40.

[14] *Ibid.*, (1768), p. xv.

[15] *Ibid.*, pp. 12-13, 31. Andrew Burnaby in 1759 (*Travels Through the Middle Settlements of North America,* pp. 26, 67) had noted the contention of colonists that they owed allegiance only to the king.

[16] *Ibid.*, pp. 75, 172.

[17] *Ibid.*, pp. 128, 130. In a letter to Samuel Cooper, February 25, 1769, Pownall suggested that in order to quiet the colonists, the Petition of Right, Habeas Corpus Act, Bill of Rights, and other fundamental acts be incorporated into a kind of colonial Magna Carta.

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Whatever the merits of this attitude, it was undeniably reasonable, and Pownall well deserves the classification of "enlightened imperialist".[18] He clearly conceived a form of imperial organization. He also saw reason and unreason on both sides, and, for his part, was willing that Britain should conciliate. His objective, typically British we often think, was a *modus operandi* that would fulfill the pragmatic requirement of upholding the right while condemning the practice of complete parliamentary overlordship.

The year 1769 saw the publication of several tracts on the constitutional relationship which *ought* to exist between Great Britain and her colonies. Not all displayed the sweet reasonableness of Pownall, but, on the other hand, most of them did try to go below the surface. Several of the authors were obscure or anonymous. That very fact, however, is an interesting confirmation of the point that many Englishmen were thinking seriously about the imperial problem. Many a lowly Durham flourished and died a hundred years too soon.

Of the advocates of parliamentary supremacy, one, however, was neither obscure nor unknown. William Knox, the close confidant of George Grenville and shortly to become undersecretary for the colonies, was in a favored position to represent the official attitude. This he did in a lengthy review which may well stand as the best statement of the stand-pat argument.[19] Knox, while he took his text from the "judicious Hooker", soon gave evidence that he had not imbibed Hooker's tolerance. The colonists, according to this official spokesman, were deluded fools or knaves.[20] Their claims as expressed in resolutions were shallow.[21] John Locke, who had so frequently been quoted by Americans, was quoted by Knox to

[18] C. H. McIlwain, *The American Revolution*, p. 144.

[19] William Knox, *The Controversy between Great Britain and her Colonies Reviewed* (London, 1769). This pamphlet, part of which was probably written by George Grenville, drew many replies, the most famous, while not primarily concerned with imperial questions, being Burke's *Observations on the Present State of the Nation.*

[20] *The Controversy Reviewed*, p. 2. Knox, however, was willing on the grounds of equity to grant representation in Parliament.

[21] *Ibid.*, pp. 8 *et seq.*, 15 *et seq.*

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justify parliamentary supremacy. Thus bureaucracy looked at colonial pretensions, found them foolish, and added insult to injury by quoting the chief American prophet to buttress conclusions to their disadvantage.[22]

Fortunately for the intellectual history of Great Britain no less than for the future of the empire, not all publicists were of this mind. Gervase Bushe addressed to king and Parliament a plea which follows Crowley rather than Knox. While concerned primarily with taxation, as the excerpt from Hampden's trial quoted on the titlepage showed, there was occasionally an implication that he saw the possibility of home rule.[23] Beyond that Bushe did not go, for to him there was a dividing line between parliamentary sovereignty and colonial jurisdiction which must never be transgressed.

Believing that the chief basis of colonial claims was the charters, Bushe argued for colonial rights of self-taxation and the freedom of British subjects. These rights were not to be taken away, for Parliament could not rescind the charters.[24] On the other hand, Parliament, which had supremacy over trade and navigation, might exercise every power not inconsistent with justice and liberty.[25] Though an embryonic home ruler, his ideas were essentially unformed. He hovered between Parliament and the constitution, unable to decide which was the more worthy of his allegiance.

Of quite a different stamp was the author of the *Letter to Lord Hillsborough,* who held that the rights of the colonies

[22] *Ibid.,* pp. 68, 71, 76 *et seq.* Published the same year but said by the author to have been written in 1766 was another set of conclusions in the same vein, *Thoughts on the Origin and Nature of Government, Occasioned by the late disputes between Great Britain and her American Colonies.* The author did admit that acts contrary to God and nature were void (p. 21).

[23] G. P. Bushe, *Case of Great Britain and America addressed to the King and both Houses of Parliament* (London, 1769, 2d ed.). The author was probably a Pitt Whig. Sabin attributes the pamphlet to one G. Butler.

[24] *Ibid.,* pp. 2, 4-5, 11-12.

[25] *Ibid.,* pp. 39 *et seq.* The contribution takes on greater importance when we realize that it was widely read and that a "Briton" was moved by it to declare outright for colonial home rule. *St. James Chronicle,* Feb. 11, 1769; Hinkhouse, *op. cit.,* pp. 120-121.

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could be vindicated on constitutional and natural principles.[26] Furthermore, the charters were also examined in considering the rights and privileges of the contending parties.[27] From this tripartite norm, nature, constitution and charters, our anonymous author was able to deduce for the colonists both political and economic rights. Rights of manufacture, rights of home rule, which of course included taxation, have always belonged to Englishmen, and parliamentary checks upon them, he argued, are tyranny.[28]

While this *Letter* was being written, there appeared before the English public a pamphlet upholding the parliamentary claim.[29] Its immediate consequence upon our author was an appendix containing an answer to the pamphlet and again denouncing Parliament's subversive policies. Here he advanced the theory that since the American colonies were not a part of England, any effort of Parliament to control their internal policy was a usurpation and a violation of "the fundamental principles of the British constitution."[30] Curiously enough, while quoting Locke and Sidney in behalf of the American cause, he was very suspicious of Harrington, whom most colonial pamphleteers found extremely useful.

The flurry of tracts[31] was attended by an apparent reaction

[26] *Letter to Lord Hillsborough on Affairs in America* (London, 1769). This should not be confused with *A Letter to the Right Honourable Wills, Earl of Hillsborough* (London, 1769) by George Canning, the father of the statesman. Canning opposed the colonial claims and scoffed at their natural-rights argument.

[27] *Letter to Lord Hillsborough*, pp. 2-3 *et seq.*

[28] *Ibid.*, pp. 12-13, 16, 28-29.

[29] *The Constitutional Right of the Legislature of Great Britain to Tax the British Colonies in America* (London, 1769).

[30] *Letter to Lord Hillsborough*, pp. 102, 109.

[31] Several other writers spoke words in favor of the colonists and against parliamentary taxation. *Observations on a Review of the Controversy between Great Britain and her Colonies* (London, 1769), and *The True Constitutional Means for Putting an End to the Disputes between Great Britain and the American Colonies* (London, 1769) are worthy of perusal not for their ideas but as expressions of interest. The first should not be confused with an abler piece of writing by the American Frederic Bancroft, *Remarks on a Review of the Controversy between Great Britain and her Colonies* (London, 1769). Both of them were obviously stimulated by Knox. "The true constitutional means"

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of interest. Yet 1770 saw the publication of a pamphlet not least among the brain children of the age. Francis Maseres, agent for the city of Quebec and later baron of the exchequer for fifty years, wrote with skill, with intelligence and with moderation. Intellectually he was more akin to Pownall than to Knox. While he had not the slightest doubt of the sovereign power of Parliament, he was prepared to admit that Americans were suffering no inconsiderable hardship in being taxed.[32]

In order, therefore, to satisfy expediency and equity Maseres recommended that the colonists be admitted "to a share in the public Councils of the nation, by sending members to the British Parliament." He thought that there should be about fourscore elected for a year.[33] Moreover the legislative power of Parliament should be but seldom exercised and then only one year after the first reading of the bill. Whatever related to the internal government of the colony, Maseres felt, could best be left to the governor and assembly.[34]

This excellent example of enlightened imperialism marked the rather abrupt end of theorizing. Imperial conditions tended to become more stable, and stability was less conducive to making people "furiously to think". Not until 1774 was the situation favorable for another epidemic of pamphlets. This later plague of writing was distinguished explicably enough by much more concessive and revolutionary suggestions on the part of Englishmen. There were still, however, even in 1774 and after, traces of the "cup of tea" mind.

From an examination of the imperial theory of the period antecedent to 1774 some general conclusions may be drawn.

suggested by the other pamphlet was the extension of the English land tax to America as a means of securing a revenue satisfactory to Englishmen and Americans alike. In 1769 also the English Committee of the Supporters of the Bill of Rights sent a sympathetic address to the South Carolina legislature. *Annual Register*, 1770, pt. I, p. 225.

[32] *Considerations on the Expediency of Admitting Representatives from the American Colonies into the British House of Commons*, pp. 3-4.

[33] *Ibid.*, pp. 9, 10-12. This suggestion was of course quite undesired even by the moderates in 1770.

[34] *Ibid.*, pp. 12-14.

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First, the attention which the empire received varied directly with conditions in America. It was America which compelled Englishmen to think imperially. Secondly, the pamphlets in their essential features differed but little from those in America. The appeals to the past, to the great writers, and to constitutional crises were the same. Finally, English imperial thinking of this period was largely divisible into two classifications: the advocacy of complete parliamentary supremacy, and the recommendation of home rule. The first might be either enlightened or unenlightened; the second, of right or of expediency. Most American pamphleteers went no further than home rule, that is, colonial control over internal affairs and parliamentary control over imperial problems.[35] How the line of demarcation should be drawn no one was called upon to decide. The theorists of 1774-1783, in so far as they were sympathetic to American claims of autonomy, tried to draw the line on paper. Their efforts are of no little interest in the light of subsequent imperial evolution.

## II

With the debating and passage of what are popularly called the "Five Intolerable Acts", there came a profusion of publications worthy of inciting the lament, "of making of books there is no end". Some of these efforts, for their authors' sake, might well have been left unwritten. They are trite and reactionary. Others, on the contrary, display an appreciation of imperial problems that deserves better than neglect. Plenty of men there were who sought a reconciliation with America, not by denying that a problem existed but rather on the basis of a reasoned solution of imperial difficulties.

Among there was Matthew Robinson, who had spent some time in New England and was colonially minded in the best sense of the term. Although he believed with Turgot that "all the whole of our colonies must no doubt one day without force or violence fall off from the parent state, like ripe fruit in the maturity of time", he felt it incumbent to ask why

[35] On this see the present writer's "Colonial Claims to Home Rule, 1764-1775", *University of Missouri Studies*, vol. II, no. 4.

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England should "shake the fruit unripe from the tree".[36] For his part he agreed with Philippe de Commines, whom he quoted on the titlepage, that taxation without representation is tyranny. Furthermore, inspired by the prophets and martyrs of individual rights, Robinson concluded that the "American colonies are as to their internal constitution a very free people, as free as the Venetians, the Dutch, or the Swiss". The real source of power over a colony he found to be the assembly within that colony.[37] More than this, however, Robinson argued that Parliament could well grant "a greater liberty and latitude of trade both to Ireland and America".[38]

Two years later, on the eve of the Declaration of Independence, he was still advocating these same views. Believing in home rule, he had no doubt that between absolute dependence and absolute independence some medium existed. Parliament was exhorted to repeal all laws administering the internal government of America and also the restrictions on American trade.[39] These reforms, he felt, Parliament was obligated to concede by that law "higher and stronger than acts of the British Parliament", the law of nature which is supplemented by the constitution and the charters.[40]

The author of another 1774 pamphlet agreed with Robinson in England, and with Bland, Duane and Dickinson in America, that "by the English Constitution there may be some medium

[36] *Considerations on the Measures carrying on with respect to the British Colonies in North America* (London, 1774), p. 13. Josiah Tucker was probably the most consistent English teacher of the view that it was the nature of colonies to aspire after independence as soon as they felt self-sufficient. (*Four Tracts,* pp. 153-154.) As early as 1749 he predicted the American revolt (W. E. Clark, *Josiah Tucker,* p. 185). A few years later Francis Hutcheson, the philosopher, anticipated that "it was unnatural for a self-sufficient colonial community to be permanently subjected to the rule of a distant mother country". (R. L. Schuyler, "The Rise of Anti-Imperialism in England", POLITICAL SCIENCE QUARTERLY, vol. XXXVII, p. 455, note.)

[37] *Considerations on the Measures,* pp. 8, 11.

[38] *Ibid.,* pp. 48-49. Robinson habitually included Ireland in his plea for broader imperial policies.

[39] *A Further Examination of our Present American Measures and of the Reasons and the Principles on which they are founded* (Bath, 1776), pp. 115, 254.

[40] *Ibid.,* p. 65.

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between the absolute obedience in the colonies to be taxed by parliament, and their total independence on [*sic*] the parent state. . . ." [41] To that end he made a complete review of English constitutional history as well as an examination of the constituent parts of Parliament. Finally this conscientious author investigated the early history of Wales, Chester and Durham.[42] Armed with the history of England and the philosophy of such libertarians as Sidney, he announced his conclusions. They were not startling, but neither were they negligible. For him Parliament was without doubt the supreme legislature, but precedents had given the colonists the right to tax themselves and to be governed in their internal affairs by the colonial assemblies.[43]

Of similar views was James Burgh, whose *Political Disquisitions* had, according to John Adams, some considerable vogue in America. Drawing his ideas generally from Locke, Sidney, Harrington and other accepted political theorists, he stood as an advocate of popular sovereignty and an opponent of parliamentary tyranny.[44] In considering the power of Parliament over the colonies he expressed agreement with Beccaria that " every act of authority of one man over another, for which there is not an absolute necessity, is tyrannical ". Colonial taxation then was tyrannical.[45] The bases of American rights which Burgh most emphasized were the constitution and the charters. If Parliament wished to alter the latter it must, he believed, indemnify the colonies.[46]

From this friend of Dr. Richard Price and student of hundreds of volumes, very little systematic imperial theory can be derived. His primary purpose in writing was to defend

[41] *An Argument in Defence of the Exclusive Right claimed by the Colonies to Tax Themselves* (London, 1774), p. 5.

[42] *Ibid.*, pp. 7 *et seq.*, 22 *et seq.*, 83 *et seq.*

[43] *Ibid.*, pp. 130-131. For similar views see also *America Vindicated* (Devizes, 1774); and *An Apology for the Late Conduct of America.* Force, *American Archives,* 4th ser., vol. I, pp. 241-245.

[44] James Burgh, *Political Disquisitions, An Enquiry into Errors, Defects, and Abuses* (3 vols., London, 1775), bk. I, pp. vi-vii, 3-4.

[45] *Ibid.*, bk. II, pp. 291, 328.

[46] *Ibid.*, pp. 307, 320.

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the constitution from parliamentary corruption and from Blackstone, who would "lull us to sleep in this time of danger". Imperially he had in no wise advanced beyond Chatham. Yet his ideas, muddled and belated as they were, have a significance. If the imminent imperial storm did not impel him to write his book on "present discontents", it did impel him to include "Of Taxing the Colonies" and to address the people of Ireland and America as well as the people of Great Britain on the dangers threatening the state.[47]

Much more clear-cut and progressive imperially was Granville Sharpe, the famous anti-slavery reformer. His arguments for colonial freedom, be it remarked, were drawn with as much reference to Ireland as to America, and, like Professor McIlwain more recently, he seems to have felt that the best case for America was to be found in the Irish analogy. Imperially Sharpe fell between two stools, home rule and commonwealth of nations, yet after all his fundamental interest was not imperial reorganization but human liberty.

The preface of Sharpe's pamphlet was a commentary on Pufendorf and stated the author's thesis that "law, to bind all, must be assented to by all". This natural law, according to Sharpe, was opposed by that "most pernicious and baneful" theory, the doctrine of parliamentary supremacy. By the law of nature which "no Power on Earth can have any authority to counteract", all subjects of England, Ireland and the colonies are equally free, since having a share in the legislature is a natural as well as an English right.[48] For Sharpe, the true mode of connecting the British dominions was the king.[49]

From this thesis it was obvious that he was looking toward an imperial organization that is hardly now a reality. His insistence that legislation was quite as fundamental as taxation marked him off from the majority of his contemporaries.

[47] *Ibid.*, bk. III, pp. 267 *et seq.*

[48] *A Declaration of the People's Natural Right to a Share in the Legislature; which is the Fundamental Principle of the British Constitution of State* (London, 1774), pp. 2-3.

[49] *Ibid.*, pp. 14, 25.

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Inasmuch as he made the king the connecting link of the empire, he went logically to the conclusion that the king and the legislature of any given dominion were the proper and constitutional rulers of it. Here he paused to interject the observation that the respective Parliaments of Great Britain and Ireland were "*entirely independent of each other*", that the Irish Declaratory Act was a "mere assertion", and that the American Declaratory Act based on the Irish precedent was no more.[50] From this premise, Sharpe found it easy to conclude that English statutes did not bind Ireland unless assented to by the Irish Parliament, and he supported his contention by a variety of authorities.[51]

Since the law and the lawyers had thus favorably expressed themselves, Sharpe continued, there could be little doubt of the duty of the British government. It must abide by the common law which is founded principally "on Reason, natural Justice, and the eternal laws of God". Even though Blackstone maintained that since the colonies were secured by conquest the common law did not extend to them, Sharpe disagreed.[52] He concluded by declaring that no territory settled by British subjects could legally be taxed or bound in its internal government by Parliament without manifest iniquity and injustice.

Notwithstanding certain discrepancies in Sharpe's argument, such as beginning in conformity with John Adams and concluding in concord with John Dickinson, he presented a vigorously progressive view of empire. If Sharpe found it convenient to quote acts of Edward II and Henry VI while enjoying a happy lapse of memory in regard to Poyning's

[50] *Ibid.*, pp. 24-26, 36.

[51] *Ibid.*, p. 95. The statutes, 19 Ed. II and 29 Henry VI, supported Sharpe's claim, as did the justices in the time of Henry VII (*Brooke's Abridgment*, sec. 19). Most important of all was Coke's dictum in *Calvin's Case* that Ireland was not bound by English statutes because it did not send knights to Parliament. See also *Fourth Institute*, pp. 284, 350. A dissenting view was held by Chief Justice Hussey in 1485 (Year Books 1 Henry VII, 3), but apparently overruled.

[52] *A Declaration* etc., pp. 227-228. Compare Blackstone, *Commentaries*, vol. I, p. 107: "What shall be admitted and what rejected", and the manner of each shall be decided by the provincial judicature subject to the King in Council.

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Law, there were few among his contemporaries so completely without sin as to be able to cast the first stone. His appeal to history was that of all controversialists, essentially pragmatic.

Few, however, of the colonial advocates found so much in history as Sharpe. Burke, that dangerous but sincere friend of the colonies, fulminated to no great reconstructive benefit.[53] His parliamentary speeches held forth no constitutional basis of imperial organization. Expediency seemed to him the best yardstick of reform. The issue of sovereignty could best be settled by not raising it. While he granted to the colonies the right of self-taxation, he declared again and again for parliamentary supremacy. Even in his *Letter on Affairs in America* he was of scarcely more value, for though he deplored unconstitutional acts Burke offered little more than the substance of the adage, "let well enough alone".[54] Heresy it may be, but the perusal of Burke's speeches and writings produces the melancholy conclusion that here after all was only another orator who substituted well said for well thought.

Of essentially different approach was the man who in 1789 was to furnish Burke with the target for some of his most Jovian periods. Richard Price looked at American discontent and set himself to inquire "whether, in respect of taxation and internal legislation", the colonists were subject to the jurisdiction of Parliament. To him the Declaratory Act was a concise definition of slavery.[55] On the other hand, he felt that Shelburne in a speech to the Lords had offered a satisfactory solu-

[53] "Speech on American Taxation" (1774); "On Conciliation with America" (1775); and *Letter on the Affairs of America* (2d ed., Bristol, 1777). B. Newman, *Edmund Burke*, pp. 95 *et seq.* David Hartley was another moderate advocate of conciliation during this period. His solution took the form of a return to the condition of 1763, which he conceived as providing for practical autonomy within the empire based on a liberal commercial policy. See Smyth, *The Writings of Benjamin Franklin*, vols. VI and VII, where Hartley outlined his scheme in an extensive correspondence with Franklin. *Cf. Parl. Hist.*, vol. XVIII, cols. 1042 *et seq.*, and G. H. Guttridge, *David Hartley, M. P. an Advocate of Conciliation* (Berkeley, 1926, University of California Publications in History, vol. XIV, no. 3).

[54] Pp. 62-63.

[55] *Observations on the Nature of Civil Liberty* (London, 1775; reprinted, New York, 1776), p. 31. See also *Additional Observations* (1777).

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tion. The substance of Shelburne's recommendations was that Parliament should repeal the distressful acts while holding fast to the regulation of trade for the empire. Furthermore, the fundamental rights of Englishmen should never be overlooked.[56] These suggestions Price accepted for his own, adding nothing to them in later writings. In appreciation Yale conferred upon him the degree of Doctor of Laws in 1783.

Hovering between Burke and Price was "Cosmopolite". His plan of reconciliation started bravely with rights and ended rather fearfully with expediency. Since the colonists are British subjects, he argued, their natural and constitutional rights have not been forfeited by their remoteness.[57] To "Cosmopolite" these rights were those of manufacturing and of self-taxation, and in defending them American protests were not unreasonable. Here our author stopped, turning golden anticipations into pyrites. Making no distinction whatever between kinds of legislation, he reversed his earlier statement by not allowing Americans either self-taxation or home rule.[58] His plans of reconciliation implied hardly more than American concessions.

Among those untroubled by doubts and less interested in reconciliation than in stating grievances was one whom Ezra Stiles thought "a pure Republican". Catherine Macaulay achieved a certain fame when she became the only woman to contribute to the imperial discussion. She lamented the steady progress of despotism whereby the government had attempted to wrest from the colonists their natural, constitutional and charter privileges. Equally did she regret the lethargy with which England, Scotland and Ireland observed the loss of American rights. The "intolerable acts", she thought, showed that "none of the fundamental principles of our

[56] *Observations*, etc., pp. 90 *et seq.* Compare this summary of Shelburne's imperialism with Mary A. Best's dismissal of him as a die-hard in her eulogy of *Thomas Paine; Martyr of Democracy.*

[57] *A Plan to Reconcile Great Britain and her Colonies and preserve the Dependency of America* (London, 1774), pp. 2-4.

[58] *Ibid.*, p. 27. *Cf.* p. 23.

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boasted constitution are held sacred" by Parliament.[59] But Mrs. Macaulay scarcely went beyond denouncing the unconstitutionality of parliamentary taxation, drawing the conclusion that America's struggle was also that of the people of England. A fiery interest in the problem of freedom led her to the American trouble primarily as a peg on which to hang a dissertation. Her imperial theory was entirely incidental.

A much more complete, if not as eloquent, plea in favor of America and also of imperial reorganization came from Major John Cartwright, the "Father of Reform". He not only refused to serve in the war against the colonies; he wrote valiantly in their defense. Starting with the declaration which was the conclusion of the majority of his English allies, that parliamentary pretensions to the sovereignty of America were entirely without foundation, he advanced rapidly to questions which actually occupied the time and reasoning of few, and then but to a small degree.

In Cartwright's opinion, the two grand questions to be decided were: whether or not the British Parliament had the right of sovereignty over North America; and whether or not a British Parliament had a right to tax the North Americans. Since taxation is but a part of legislation, the second was involved in the first.[60] "To every man of candour" Cartwright felt that it must be evident, "that parliament hath not the rights of sovereignty over his Majesty's American subjects". A writer in the *Public Advertiser* had refuted the notion of parliamentary sovereignty to Cartwright's satisfaction by arguing that the colonies belonged to the king. It therefore followed that the colonists were the king's subjects, not "subjects of subjects".[61]

[59] *An Address to the People of England, Scotland, and Ireland on the present Important Crisis of Affairs* (London, 1775), pp. 5-7.

[60] *American Independence, the Interest and Glory of Britain* (London, 1775), pp. i-ii, 2. Much of this was written in 1774 in letters to the *Public Advertiser*.

[61] *Ibid.*, pp. 9-11. This idea of union between Great Britain and her colonies only through the sovereign which was propagated industriously in America by 1774 had been stated by "Brecknock" in the *London Gazette* in 1768. (Hinkhouse, *op. cit.*, p. 120.) See also a "Letter to the People of England" from the same author in March, 1775, Force, *op. cit.*, 4th ser., vol. II, p. 52.

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To comprehend the situation, continued Cartwright, only a knowledge of the English constitution, the law of nature and the doctrines of Christianity was necessary. Since by these guarantees the colonists had "indisputably an inherent right to liberty", their respective governments were independent nations. They could hardly be worthy of the name of a free people if they had not the right to choose their own governors or make their own laws. That these functions were prerequisite to freedom was a law of God.[62] If the Parliament were allowed supremacy over the colonies, then the colonists would be subjects of the British people. This power had not been granted by the colonists and the spirit of English institutions did not warrant its assumption. Further, since the Americans were not represented in Parliament, said Cartwright, the exercise of sovereignty was tyrannical.[63] If Parliament were supreme, as had been claimed, why had all the colonial business been done through the Privy Council?

In looking at the motives for the colonization of America, Cartwright discovered even less to justify parliamentary overlordship. Yet as he scanned the arguments in favor of that claim he was struck by the unanimity of the belief that there must be one central supreme authority to legislate. This doctrine he dismissed. The American governments were independent governments enjoying complete powers of legislation. As America was not part of the British Empire,[64] according to Cartwright, to legislate for it was a manifest wrong and tyranny, a contravention of fundamental rights. If the British government persisted in maintaining sovereignty, "it may possibly occasion our own destruction". He furthermore held that it was the nature of colonies to aspire after independence.[65] Here Cartwright was in agreement with Josiah Tucker. But he felt it unfortunate that Tucker, after advocating the abandonment of sovereign claims over the

[62] *American Independence,* pp. 8-9.

[63] *Ibid.,* p. 10.

[64] *Ibid.,* pp. 21-23. To Cartwright, the British Empire comprised the British Isles, Newfoundland, Gibraltar and Minorca.

[65] *Ibid.,* p. 34.

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Americans, did not admit the right of the colonists to choose their own governors.

In conclusion, Cartwright put forth his solution of the difficulties.[66] Since Ireland and England were sister kingdoms, why not England and America? And since, also, each colony had within itself the natural rights and proper powers of legislation and taxation, let Parliament pass an act securing the independence of all. By this act the sovereignty of the king would be acknowledged, and Parliament would occcupy the position of protector and guardian. Finally, to clinch the whole arrangement, a treaty of alliance should be negotiated between these new states and England to the benefit of all.

Cartwright is not hard to place as an imperial thinker. Though he did not make clear who was to be responsible for legislation affecting his recommended league, it would not have been Parliament as then constructed. He believed too uncompromisingly that it was impossible for the legislature of Great Britain to govern America on the principles of freedom. Regarded from various points of view, Cartwright must be placed with those who anticipated the modern commonwealth. He conceded more power to the colonies than almost any of his fellow-reformers. More than that, he had an outline of imperial organization. Not until the British cause in America looked well-nigh hopeless did others come forward with schemes which were such complete refractions of the imperial crystal. These, while more logical, more detailed and more impartial, deserve no greater attention. Were it not for the fact that historical greatness is measured in terms of the psychological moment, justice might cause a more equitable distribution of fame between Cartwright and imperialists of greater note.

The years 1774-1775 saw quite as many vindications of Parliament as of America. Since these, however, looked backward rather than forward, a brief summary of their viewpoint will suffice. Of the anti-Americans, none was more interesting than Josiah Tucker, Dean of Gloucester, and critic of the

[66] *Ibid.*, pp. 62-64.

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social contract and of democracy.[67] Fundamentally he believed that the colonies should be let go.[68] In the prefatory epistle to *Pleas and Arguments,* he inquired how it was that the immutable laws of nature became so mutable with regard to Indians and negroes; observed that the Americans claimed the rights but forgot the duties of Englishmen; and concluded by jeering at the American doctrine of transubstantiation which made "bits of paper into legal tender". From this it is not difficult to anticipate Tucker's answer to American agitation. The law, the constitution, and reason, he declared, all uphold the power of the king in Parliament.[69] Turning to Ireland, he refuted the arguments of Molyneux in favor of Irish rights, with the note that American claims were infinitely inferior.[70] In conclusion Tucker summarized his credo: the empire is a legislative unit with its nucleus at Westminster. There could be no two minds about it.

Of similar opinions but scarcely so sound of knowledge was the omniscient Doctor Johnson. While jeering at the rights of man and at the "fanciful Montesquieu" and his influence in America, the great Cham added little to his reputation. He commented, as had the "gloomy dean", on the fact that if the colonists had rights they also had duties. He was dis-

[67] *The Pleas and Arguments of the Mother Country and of the Colonies distinctly set forth; with the impossibility of a Compromise of Differences, or a Mutual Concession of Rights plainly demonstrated. With a Prefatory Epistle to the Plenipotentiaries of the late Congress at Philadelphia* (Gloucester, 1775); *Four Tracts* (Gloucester, 1774); *An Humble Address and Earnest Appeal* (London, 1775).

[68] In *The True Interest of Great Britain set forth in regard to the Colonies* (Gloucester, 1774; reprinted in the *Four Tracts*), Tucker recommended independence: "Separate entirely from the North American Colonies by declaring them to be a free and independent people, over whom we lay no claim. . . . Guarantee this freedom and independence against all foreign invaders whatever". In *An Humble Address and Earnest Appeal,* he advised that all colonies in revolt should at a certain date be cut off—without a penny?—by act of Parliament. Finally in his systematic *Treatise concerning Civil Government* (1781) he declared in favor of the quick casting off of colonies (pp. 252-253). See also *supra,* p. 558, note 36. For a more complete summary of Tucker's anti-imperialism see R. L. Schuyler, *loc. cit.,* pp. 442 *et seq.*

[69] *Pleas and Arguments,* p. 12.

[70] *Ibid.,* pp. 16 *et seq.,* 25.

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pleased that the colonists claimed as fundamental, rights they had assumed for themselves.[71] To Johnson the colonies were corporations, and as such they made laws for themselves but were at the same time subject to a higher authority.[72] This authority was of course the king and Parliament under whose jurisdiction the whole empire came without question or quibble. From this demonstrably true proposition came the Declaration of Independence as a logical conclusion. War was the distributed middle.

Although the Dean of Gloucester was not the only cleric who participated in the controversy, his fellows had nothing to add. The Reverend Caleb Evans, writing over the signature "Americanus", concluded that it was only natural for the colonies to be dependent. He simply assumed the supremacy of Parliament and allowed no rights to the Americans.[73] John Wesley, on the other hand, had not always been so single-minded. It was true that by 1775 he believed the American pretensions without foundation, but at an earlier date he apparently had felt that the colonial case was valid.[74] As a loyal Britisher, Wesley rejected the charter argument of the colonists, largely neglected the others, and blamed the writers

[71] *Taxation no Tyranny; an Answer to the Resolutions and Addresses of the American Congress* (London, 1775), pp. 29, 43. Johnson was answered in turn by an able tract, *An Answer to a Pamphlet, Entitled "Taxation no Tyranny"; addressed to the author and to Persons in Power* (Force, *op. cit.*, 4th ser., vol. I, pp. 1449-1452) in which the writer contended for parliamentary supremacy in imperial affairs and provincial supremacy in local affairs, as of right.

[72] *Taxation no Tyranny*, p. 25. He held also that the charter argument of the colonists was invalid since the charters had expired. *Ibid.*, pp. 58-59.

[73] *The False Alarm, or the Americans Mistaken* (London, 1775) pp. 9-11.

[74] In substantiation of this is Wesley's answer to Caleb Evans' attack upon his patriotic integrity. *The Journal of the Rev. John Wesley* (Everyman ed.), vol. IV, pp. 63-64. "You affirm", he wrote on December 9, 1775, "1. That I once 'doubted whether the measures taken with respect to America could be defended either on the foot of law, equity, or prudence'. I did doubt of this five years, nay indeed five months ago. You affirm, 2. That I 'declared' (last year) 'the Americans were an injured, oppressed people'. I do not remember that I did, but very probably I might. You affirm, 3. That I then 'strongly recommended an argument for the exclusive right of the Colonies to tax themselves'. I believe I did; but I am now of another mind".

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who defended America as partially responsible for the conflagration.[75]

If these clerical contributions were not marked by any considerable insight they did not suffer in comparison with several contemporaneous lay discussions. The majority were dogmatically in favor of parliamentary sovereignty. One author, ten years after Dulany's *Considerations,* was still talking about virtual representation. From this belief he found it easy to conclude that the mere fact that the colonists had their own assemblies did not exclude Parliament from exercising its authority.[76] Another argued that since Parliament was supreme at the time the colonies were established, its power over them was unlimited. There could be no exemptions from parliamentary sovereignty except those created by Parliament itself, thus the charters had no force because they were granted by the king. Finally, this author observed, the colonists had recognized the constitutionality of British control by often submitting to it.[77]

Sir John Dalrymple, however, was inclined to be more statesmanlike. While he accepted without question the doctrine of parliamentary sovereignty over America, he was willing, when the colonies should have shown themselves capable of self-government, to concede self-taxation and home rule as a matter of policy.[78] A member of Lincoln's Inn, John Lind, on the other hand, was of the Knox school. He advocated the idea of virtual representation as solving the colonial problem. To him the colonial dependence on natural rights was feeble and he attempted to refute point by point the Declara-

[75] *Ibid.*, pp. 60-61; *A Calm Address* (London, 1775). On November 13, 1779, Wesley met a member of the first Continental Congress whose conversation moved him to the pious reflection that there is one higher than the Americans and "He will command all things to work together for good". (*Journal,* vol. IV, pp. 173).

[76] *A Letter to the People of Great Britain in Answer to that published by the American Congress* (London, 1775), pp. 6-7, 12.

[77] *The Supremacy of the British Legislature over the Colonies* (London, 1775), pp. 6-7, 11.

[78] *The Address of the People of Great Britain to the Inhabitants of America* (reprinted in Force, *op. cit.*, 4th ser., vol. I, pp. 1413-1431).

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tion of Independence. He could not allow the Americans an uncontrolled power of legislation because that meant independence, and he was unable to comprehend the halfway house of home rule.[79] Thus the absolute power of Parliament was for him the only solution.

Not all Englishmen, fortunately, were of this mind. A member of Parliament came out with a plea for conciliation which he insisted was necessary, for the cause of America was growing every day more popular and doubts had arisen "concerning the authority of the British Parliament to tax the colonies at all".[80]

Elaborate but rather condescending was a plan for that conciliation which the honorable member had felt to be essential. Its author, announcing that he would apply the rules of the constitution wisely, formulated machinery of imperial control. Parliament, of course, was the supreme legislature. Notwithstanding that fact, minor reforms were suggested to relieve the tension. Arrangements, the author thought, could be made for a lord lieutenant who should preside over a general congress of deputies numbering 144, equitably apportioned to the respective colonies. This congress, which should answer for all America, was to control taxation.[81] This concession, according to the author, would do no harm since all acts of the lord lieutenant and deputies contrary to the common law and statutes of England were void. A further gesture of friendliness was made in the recommendation that all parliamentary acts since the Declaratory Act be suspended.

Governor Johnstone, formerly of West Florida, was more generous.[82] His experience seemed to have given him a

[79] *Three Letters to Dr. Price containing Remarks on his Observations* (London, 1776), pp. 22-23, 123; *An Answer to the Declaration of the American Congress* (London, 1776), p. 15.

[80] *A Letter to the Right Honourable Lord M—— on the Affairs of America* (London, 1775), pp. 4-5, 16-17.

[81] *A Proposition for the Present Peace and Future Government of the British Colonies in North America* (London, 1775), pp. 26-32. Compare this sketch with Joseph Galloway's *Candid Examination* (New York, 1775), which though more liberal has certain points in common.

[82] *Speech on American Affairs*, 1776 (reprinted, Edinburgh, 1835). See also

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sympathetic insight into colonial problems not unlike that of Pownall. In the course of a debate on the speech from the throne, Johnstone maintained that the Americans were struggling only to retain a constitutional dependence on Great Britain.[83] He was inclined, he said, to agree with the Americans when they claimed that taxation without representation, abrogation of trial by jury, and the abolition of *habeas corpus* were contrary to the British constitution. To him it did not seem at all impossible for two independent legislatures to exist in the same community, one for local affairs, the other for the problems of the empire as a whole.[84]

The same year that Johnstone advocated these concessions, Francis Maseres began to reappear in print on the imperial problem.[85] In his *Dialogue* between a French Canadian and an Englishman, Maseres still voiced his belief in the efficacy of colonial representation in Parliament as a panacea for imperial ills.[86] At the same time he once more gave allegiance

*Monitor,* "To the Honourable the Commons of Great Britain in Parliament Assembled" (Force, *op. cit.,* 4th ser., vol. II, pp. 5-7), for a concessive spirit. His cry was: Acknowledge your wrong, allow the Americans full control over their taxation and internal government!

[83] *Speech on American Affairs,* pp. 16-18. Johnstone made several speeches during the period in which he steadily preached concession. He became one of the British Peace Commissioners in 1778, when at the time of his stay in America he addressed a letter to Henry Laurens in which his sympathy with the Americans was obvious (*Annual Register,* 1778, p. 331). Compare his point of view in the debate on the Manifesto issued by the American Commissioners (1778), which was bitterly anti-American (*Parl. Hist.,* vol. XIX, col. 1401).

[84] *Speech on American Affairs,* pp. 5-7, 13. He also criticized the excessive influence of Hutchinson on the administration of colonial affairs. John Wilkes took a similar stand in a speech of February 6, 1775, holding that the "fundamental laws of human nature, and the principles of the English constitution are equally repugnant" to parliamentary taxation. Both Johnstone and Wilkes, of course, were in the "Opposition".

[85] *The Canadian Freeholder: A Dialogue* (3 vols.). Though this appeared in 1776-1779 much of it was probably written by 1775.

[86] *Ibid.,* vol. I, p. 289. The most curious of the representation schemes was that of Samuel Clay Harvey, by whose *Plan for Regulating the American Affairs* (Force, *op. cit.,* 4th ser., vol. I, pp. 1204-1208) Americans were to be represented in Parliament by an increased number of the English county members. This was to offset the pernicious influence of the bourgeois.

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to his conviction of the uncontrollable authority of that Parliament as absolutely necessary to imperial unity. From the point of view of expediency, however, he did not oppose a reduction in the taxing power of Parliament, and he even went so far as to suggest that something might have been done toward peace if legislative powers had been delegated to the several American colonies.[87]

With Maseres we come practically to the end of proposals for alleviating the disputes between Britain and America by granting to the colonies merely a share in their own government. Thereafter the predominant ideal was not tinkering but rebuilding, not, to change the metaphor, that of keeping a grown-up son under the parental roof and direction, but rather of sending him forth to face the world as best he could, always assured of cordial friendliness at home. The logic of facts had forced its way across the intellectual horizon of an increasing number of Englishmen. The hope of salvaging something, an ally if not a dependency, had succeeded to the arrogant spirit of conceding a few privileges to "our colonies".

## III

Adam Smith may in a measure be taken as combining the elements of both groups. As a critic of mercantilism he was also a critic of mercantile imperialism, the policy that administered great empires by the maxims of the counter. At the same time he was patriotic enough to feel that "there are no colonies of which the progress has been more rapid than that of the English in North America". He attributed the prosperity of the colonies to plenty of good land and liberty to manage their own affairs. Though not abundantly blessed with the former, they had been extremely fortunate in the latter case.[88] But here Smith was more than an economist. While not primarily concerned with sketching out an imperial

[87] *The Canadian Freeholder*, vol. I, pp. 133, 150; vol. III, p. 776. Maseres was not quite as reasonable here as in his earlier tract, being irritated by what he felt to be the unreasoning hostility of Americans to Britain.

[88] *The Wealth of Nations*, vol. II, pp. 69-70.

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organization, he was bound to throw off suggestions. In the main he approved the English policy of allowing the colonies virtual home rule, involving control of the executive by colonial legislatures.

His suggestions for preventing a rupture were not without interest. They consisted in the recommendation that "some moderate and gradual relaxation of the laws which give to Great Britain the exclusive trade to the colonies till it is rendered in a measure free, seems to be the only expedient" which would deliver her from the loss resultant upon the claim of complete dominion.[89] The grant of independence, he protested as unthinkable. But trade concessions should be made since they were much more important than self-taxation, for it did not matter fundamentally whether the colonies were taxed by their own assemblies or by Parliament.[90] What was essential, Smith thought, was that Parliament decide the contribution to be made by each portion of the empire. The provincial affairs of each colony could still be controlled by its own assembly.[91] Otherwise the importance of local assemblies and the leading men in British America would come to an end.

At this point the "father of political economy" gave evidence of agreement with the more conservative Maseres. Perhaps, he suggested, something might be done toward restoring peace if the colonies were allowed representatives in Parliament. The financial contributions could determine the number of representatives for each colony. This opportunity would attract the leading men who would thus have a chance to try for real prizes "instead of piddling for the little prizes . . . in the paltry raffle of colony faction".[92] There was not the least

[89] *Ibid.*, pp. 107, 112.

[90] *Ibid.*, p. 114. In 1766 Josiah Tucker, whose economic ideas, if not his imperial theories, often coincided with those of his more widely known contemporary, had advanced substantially the same diagnosis. That mercantilism rather than taxation was the root of evil, was the burden of his *Letter from a Merchant in London to Nephew in America* (London, 1766).

[91] *The Wealth of Nations*, vol. II, pp. 115-116.

[92] *Ibid.*, p. 118.

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likelihood that any harm would come to Great Britain through such a union with her colonies. And if the time ever came, as was by no means improbable, that the American contributions to the empire exceeded the British, then the seat of government would naturally remove itself to that part of the empire which participated most in the defense and support of of the whole.[93] Such a scheme would assuredly bring prosperity to both parts beyond the scope of human anticipation.

What Adam Smith said was far less significant than the mind back of it. Nearly all the writers on imperial questions were lawyers, bureaucrats and publicists. But here was a man who had no interest in rights, scarcely more in means, but was considerably exercised about ends. His was the spirit of writers after the Declaration. More than that, it was the expression of a man sick of the "piddling raffle" of dialectics and counter economics. With Pownall he felt that where the seat of government was mattered little, what it was mattered much. Yet an explanation of the trouble in terms of trade was much too simple, and representation in Parliament as a solution was almost naïve in 1776. Inasmuch as Adam Smith was less successful as an architect than as a prophet and physician it is necessary to return to the publicists for reorganization of the empire beyond the problems of trade.

The last years of the war produced several suggestions of varying detail and value. For William Pulteney the disaster could be remedied by the concession of home rule.[94] "One of the Public", while recommending the same reform, was

[93] *Ibid.*, pp. 120-121.

[94] *Thoughts on the Present State of Affairs with America and the Means of Conciliation* (London, 1778, 3d ed.), pp. 45, 69. This also was the essence of what the Peace Commissioners of 1778 had to offer. They promised cessation of hostilities, every freedom of trade respective interests could require, no quartering of a military force without the consent of the general congress or provincial assemblies, the perpetuation of the union by agents from the different states, each with a seat and voice in Parliament. Finally the commissioners were empowered to allow the continuation of "separate legislatures in each particular state, to settle the revenue, its civil and military establishment, and to exercise a perfect freedom of legislation and internal government" under a common sovereign, the king of Great Britain. *Annual Register*, 1778, pp. 327 *et seq.*

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more original. He advocated complete local autonomy in matters of domestic concern for each part of the empire. The various units were to be linked together not so much through the king as through an administrative Great Council of State, composed of delegates from the independent nations.[95]

More elaborate and more radical was a sketch of a projected commonwealth which appeared in 1780. Not since Cartwright had any one come out so strongly in favor of a complete reorganization of the empire, and Cartwright had had little to offer concerning the administration of his commonwealth. Here was a new constitution for a new British commonwealth. Its author looked at America not as a colony but "as an infant rising state" which might in time excel the parent country.[96] To that contingency he directed his energies by drawing up an outline of government for the component parts of the empire.

England, Ireland and the colonies were to form an empire under one head, the king. He was charged with appointing the governors of the various colonies, who were to be assisted by elected councils. The laws of Great Britain extended to the colonies except where they contravened the acts of the colonial legislature.[97] Commercially, the whole group was to form an imperial *Zollverein*. On the administrative side British America was to be divided into four large provinces, each elaborately subdivided.[98] In every province there should be a court endowed with final judgment within its jurisdiction.

The individual colony, however, was not to disappear. In all, the assembly, popularly elected, would be retained with power to tax and to enact suitable laws, in so far as these did not contravene the general laws of the empire. In addition,

[95] *Proposal for a Plan toward Reconciliation and Reunion with the Thirteen Provinces in America, and for a Union with the Other Colonies* (London, 1778).

[96] *A Plan or Articles of Perpetual Union, Commerce, and Friendship between Great Britain and her American Colonies* (London, 1780), p. 9.

[97] *Ibid.*, p. 22.

[98] *Ibid.*, pp. 31-32. The provinces were to be made of Nova Scotia and New England; New York, Pennsylvania and New Jersey; Maryland, Virginia and North Carolina; South Carolina, Georgia and Florida.

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although the colonies had not attained political maturity, there should be instituted a general congress with apportioned representatives from all the colonies.[99] This was to be "the grand legislative, superintending, and controlling power through all British America", with the right to settle differences between the colonies and lay taxes for the benefit of the whole. The executive power, by this plan, was lodged in a commission of three representatives from each province elected by the people.[100] The chairman of this commission would be a lord commissioner from Great Britain appointed by the king.

Regarding a discussion of rights as futile, the author omitted any statements relative to the mutual claims of Britain and America. But to restore peace and harmony, he recommended that Parliament renounce all title of sovereignty over America, whether of taxation or legislation.[101] Finally the Americans were to have complete freedom of trade with the annulment of the Navigation Acts.

Fortunately or unfortunately the concessions here outlined were not demanded. The British success at Charleston which had encouraged the architect to submit his blueprints in competition for the prize plan of settlement was soon followed by the disaster at Yorktown, and the most consequential civil war of modern times became history.

Disaster and loss, however, did not entirely halt speculation. Thomas Pownall published some advice to the peace commissioners, recommending the recognition of the American colonies as free and independent states. The old imperialist still held to one of two extremes—dependence or independence. In reference to the commissioners' offer to the colonies of control over taxation and their internal government, he observed that the sovereignty thus left to Great Britain would be in principle but a half-sovereignty and in execution no sovereignty at all.[102] No more acute comment on the theory and practice of home rule has been made.

[99] *Ibid.*, pp. 37, 45. [100] *Ibid.*, pp. 46, 53. [101] *Ibid.*, pp. 53, 54 *et seq.*

[102] *Two Memorials* (London, 1782), pp. ii, 56. Compare his statement, *Administration of the Colonies* (1768), pp. 12-13, where he said that where the administration is matters little, what it is matters much.

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Before the Treaty of Paris one more full-dress plan of conciliation was forthcoming. The putative author, John Fenton Cawthorne, announced a complete lack of interest in rights and in past disputes. His glance was toward the future. He had argued from the beginning, so he said, that the solution consisted in freeing the Americans of "every impolitic restriction" while securing their legislative dependence. Among the "impolitic" bonds he counted taxation as absurd, and "the Declaratory Act absurder still".[103] Instead, "offer them a government of their own, and a Legislature upon the principles of the Irish nation".[104] This, he felt, would sufficiently guarantee their legislative dependence, far better, in fact, than the ridiculous idea of representation in Parliament.

In order to secure to the Americans the blessings of the British constitution without sacrificing the principle of dependency, their government should be completely reorganized. This could be done by vesting the supreme legislative authority over the colonies in an "American Parliament, whose powers shall resemble those of the Parliaments in Ireland and Great Britain".[105] In form, according to Cawthorne, this Parliament was to consist of a House of Commons composed of elected delegates from each colony, and a House of Lords composed of American peers appointed by the king to secure fidelity to the Crown.[106] While this legislature would be independent of the British Parliament, there still remained a

[103] *A Plan of Reconciliation with America; consistent with the dignity and interests of both countries. Humbly inscribed to the King* (London, 1782), pp. 12, 19.

[104] *Ibid.*, p. 25.

[105] *Ibid.*, pp. 35-37. With quite Johnsonian frankness Cawthorne derided Chatham's distinction between taxation and legislation as "that of a blockhead". "The noble Earl gloried in American resistance, he encouraged that spirit of resistance, and died with dependency in his mouth".

[106] *Ibid.*, pp. 38-39. Several years before, Francis Bernard in his *Select Letters on the Government of America and the Principles of Law and Polity applied to America* (London, 1774) suggested elements which appear here and elsewhere, namely, an American nobility and the consolidation of the individual colonies into large provinces with some sort of inter-colonial union (p. 83). Bernard, it needs to be said, was by no means the reactionary imperialist he is generally pictured.

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strong bond between England and America, namely the king. The king was to be, as heretofore, the supreme executive of the empire. In his place in the colonies there should preside a viceroy or lord lieutenant "with a negative on any acts of the American Parliament". As the direct representative of the sovereign, the viceroy would have no connection with the Parliament of Britain.[107]

Nevertheless the Parliament and viceroy would not completely eradicate the pre-war organization. Cawthorne admitted the necessity of provincial legislatures to regulate the domestic concerns of each colony. But such an arrangement did not mean that each colony was to have full power over its internal affairs, for the provincial legislature would be subordinate to the American Parliament.[108] Finally, said he, the Navigation Act, "the most unjust act that was ever invented", must be given up.[109] Nothing less than this, extreme though the plan might be, would ever win back the colonies to any sort of friendly league with great Britain.[110]

Nothing less than this, but something more, had to be con-

[107] *A Plan of Reconciliation*, p. 41.

[108] *Ibid.*, pp. 41-43.

[109] *Ibid.*, pp. 45-46. The author thought that the repeal of the Navigation Act would increase commercial profits from America and incidentally checkmate France, two much-desired ends.

[110] English Conservatism had gone no farther than this in 1912 (see Lord Hugh Cecil's *Conservatism*, London, 1912, pp. 215 *et seq.*). An altogether similar plan, obviously by an Englishman, appeared in New York about 1780. *The Alarm, or a Plan of Pacification with America* pleaded for retention of existing institutions in America. The supreme legislative authority for America should rest in the Continental Congress, whose powers would resemble those of the English Parliament. This Congress, which would concern itself mainly with taxation and internal government, was to be composed of a popularly elected commons and a house of peers appointed by the king. The supreme executive would be the sovereign, who would be represented in America by a lord lieutenant or viceroy with a negative over the acts of the Continental Congress. Local affairs in each province were to be regulated by provincial legislatures such as those already in existence. The policies of the whole empire would be taken care of by a National Parliament made up of representatives from England, Ireland and the colonies. To safeguard the whole arrangement and to define the limits of the various governing bodies there should be drawn up a Magna Carta or Bill of Rights. (See *American History Leaflets*, no. 14, pp. 21-23.)

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ceded by the English, and even then the result was scarcely one of cordial amity. The spirit expressed by Cawthorne and many other pamphleteers treated here, however, promised better for the future than for the past. While the immediate effect of the Revolution was not to liberalize British colonial policy,[111] ultimately a group of reformers appeared who were familiar with history if not with these specific suggestions. And they in composite paternity produced a charter of reform. The immediate influence of the Revolution was of another sort —pessimism and gloomy admission of the truth of Turgot's statement, not infrequently noted in the literature here considered, that colonies were bound to drop off the mother tree. The empire was in eclipse.

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[111] G. B. Adams, "The Influence of the American Revolution on England's Government of her Colonies", *Annual Report of the American Historical Association*, 1896, vol. I.

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# SOVEREIGNTY AT THE CROSSROADS: A STUDY OF BODIN

THE phenomenon of obedience is perhaps the central political fact facing the political theorist; certainly the necessity for an explanation of it recurs more persistently than any other single problem. This problem possesses two important aspects. In the first place, the question arises why men obey political or other social authorities—why they conform to the rules of conduct laid down by such authorities or by custom. Second, is the question, half-ethical in its nature, what rules or authorities men obey or should obey in case of a "conflict of laws" or a competition between different authorities. We are not concerned here primarily with the first question; it is the second aspect of the problem of obedience which principally interests us. In any given society differing conceptions of what the law is or should be make for more or less confusion. Conflicting rules or systems in many cases compete for the individual's allegiance. Under such circumstances attempts, some simple, others complex, some "close to the facts", others "theoretical", will inevitably be made to determine the correct answer to the question: What is *the law?*

John Austin, the great nineteenth-century English jurist, gave a relatively simple answer to this question. Impressed by the necessity of securing and maintaining certainty, stability and coherence in the ordering of social relation, he thought it absolutely essential to have only a single reference point for law in any given state. Moreover, he believed that such a reference point actually exists in every modern political society, as that "determinate human superior [i.e. man or body of men] not in the habit of obedience to a like superior", which receives "habitual obedience from the bulk of a given society".[1] This determinate human superior Austin called the sovereign;

[1] John Austin, *Lectures on Jurisprudence* (4th ed.), vol. I, p. 226.



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its authority he called sovereignty; and the rules of social conduct which it commands or tacitly permits constituted for him *the law*. Only those rules which the sovereign approves, Austin maintained, are law. In case of any conflict between a rule of social conduct laid down by the sovereign and one emanating from any other source the former must prevail as a matter of law. This means the ascription of sweeping, uncontrolled and unrestrained *legal* competence to the sovereign. However much an individual or group may be justified practically or morally in resisting or refusing to obey a command of the sovereign will, we must designate his action as illegal. Otherwise we do not have that certainty and coherence demanded by the very nature of law. No court can adjudge a command, prohibition or prescription of the sovereign *ultra vires*. Neither can the sovereign be bound by any law, for precisely the reason that nothing has the force of law, or is law, except what the sovereign expressly designates or tacitly permits as such, and that the sovereign can change his own command at will without being legally accountable to anyone. Obviously no self-limitation can be effective. Austin recognized limitation on the sovereign, as does every monist, however devout; but these sum up, in all cases, he believed, into obligations arising out of moral considerations or practical expediency and in no case do they spring from a higher law above the sovereign.

Austin's theory represents the completion of a movement of thought which paralleled the gradual increase, on the practical political side, of the power of the modern nation-state, whether that power be expressed legally through the will of an absolute monarch or through the joint action of king and parliament. This increase in power was in part a reaction against "feudal anarchy". The lack of adequate institutional sanctions for the involved network of feudal law created a strong tendency toward the growth of national strength, with the consequent obliteration, weakening or transformation of the intermediate feudal links between the national government and the individual. Unquestionably the centralizing effects of the commercial revolution, together with the personal ambition and

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acuteness of monarchs who allied themselves with the rising middle class, also contributed to the ultimate result. Now, the doctrine of sovereignty offered the national king the most convenient theoretical weapon with which to combat the claims of rival feudal or ecclesiastical authorities, refractory estates or competing systems of law. The idea of one unified legal scheme affording order, consistency and certainty in the governing of all social relations within a given national area, overriding all contradictory rules and injunctions, and flexible enough to be modified at the command of a single sovereign will, made a strong appeal. Such a sovereign will, if not quite the source of all law, was at least the final, clearly discernible judge and arbiter of it, and its approval was the indispensable prerequisite to stamping law as "the law". With Hobbes this theory reached its climax. Sovereignty thenceforth had merely to be transferred by Rousseau, Bentham and Austin from the king to a parliament, an electorate or some other determinate body or bodies of men, in order to give dynamic vogue to ideas of "parliamentary sovereignty" or even "popular sovereignty".

But this Austinian theory of a legally omnipotent sovereign is a definitely modern doctrine and one arrived at only by slow stages. In the middle ages thought took a very different channel. The highest political power of which the great medieval thinkers could conceive was subject definitely and explicitly to law. Law, for them, had a source, a content and a sanction different from and far broader than the will of a sovereign prince or body. Whether we examine the intricate systems of customary law then prevalent, or the ideas of men concerning them, or the theories of natural and divine law so universally accepted, we are compelled to conclude that law in the middle ages was entirely irreducible to that simple and all-engulfing principle of the voluntary command of a legally determinate Austinian sovereign. The highly legalized system of conduct of the men of the middle ages was derived from and embodied principles infinitely more complex.

The modern political theorist will probably here raise an objection. He will admit that the medieval legists made room

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in their systems for rules of customary and natural law having a source or sources apart from the will of any determinate sovereign. Such rules of customary and natural law, he will admit, often defined and limited the power of princes and other governmental authorities. Nevertheless, these rules and limitations must be designated as purely "moral" in character. Where, it will be asked, are the sanctions beyond the self-restraint of the monarch himself for their enforcement? The constraint of conscience, it will be contended, may be good ethics or excellent politics, but it is hardly law.

We must examine whether this statement of the matter is entirely fair to the medieval lawyers, and whether these modern writers do not run a great danger of reading back our own highly acute and highly developed (perhaps too acute and too highly developed) distinction between law and morality into a context where it did not exist. Now, there can be no question that the medieval theorists in general regarded the king as free in so far as the existence of any definite human persons or constitutional bodies acting as checks upon him or judges over him was concerned. However, that does not mean that the limitations upon him were merely self-imposed. On the contrary, these limitations were conceived of as in large part derived from a source external to the king and by no means identical with his own individual will or conscience, and therefore as definitely binding upon him. I think we can resolve the paradox by harking back to St. Thomas Aquinas' old distinction between the *vis coactiva* and the *vis directiva*. The limits on the authority of the king are not self-determined. They represent external and constitutional checks in the sense that they spring from the custom of the community, or from generally prevailing ideas of natural law and the specific maxims derived therefrom, and are deemed absolutely binding on the king. On the other hand, the limitations are not constitutional in this sense, that, in a great many cases, no institution or well-organized set of institutions can enforce them and interpret them, if that is necessary, as against the king.

To the modern mind this is likely to be considered a serious defect, calculated to reduce all such restraints to the limbo of

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"morals", and no doubt in a great many cases it is. Still, we must not judge too hastily, and we must attempt to place ourselves in the position of the men of the late middle ages and of early modern times as they looked at this matter. We must try to grasp the medieval conception of a spontaneous, autonomous system of law, not consciously created, and although minus a special "machinery of enforcement" (a modern innovation, almost completely foreign to the medieval mode of thinking) nevertheless deemed perfectly valid law in theory, and obeyed in practice to a much greater extent than is generally supposed. Today if a well-developed and efficiently functioning set of police or coercive institutions can be pointed out as a sanction for a law or laws, we have a tendency to let the matter go at that and to regard the situation with unmeasured and uncritical satisfaction. *Vice versa,* we decry the lack of adequate and organized police sanction for law.[1] Unquestionably one of the great defects of medieval and early modern political life was that too little effective and regularized institutional coercion existed. The other and brighter aspect of the matter, however, is that a surprising degree of legality, of order and of system could be obtained with so little compulsive machinery. Surely a voluntary conformity to the sense of right of mankind and a common agreement upon and adherence to definite rules of conduct and definite restraints on conduct are, in so far as they operate, more satisfactory sanctions of the law than the policeman's club. Admittedly these sanctions have proved insufficient. Are we to characterize, for this reason, a large proportion of the social controls existent in the middle ages, otherwise corresponding to our boasted "legal" controls closely or identically in content and often in effectiveness, as purely "moral", merely because these rules lack one specialized form of enforcement machinery (the police institution), a sanction oftentimes as ineffective as or more ineffective than medieval sanctions?[2] To answer affirmatively

[1] *Cf.* John Dickinson's severe criticism of John of Salisbury on this point in his Introduction to his translation of the *Polycraticus, The Statesman's Book of John of Salisbury.*

[2] Witness the present situation in the United States with regard to the prohibition, personal property tax and speed laws.

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is, in my opinion, to take an unduly modernistic, narrow, unhistorical view of law and to de-legalize almost completely a very legal age.

Jean Bodin, the great French jurist of the late sixteenth century and exponent of the authority of the rising French monarchy, stands at the crossroads between the two antithetical theories of law which I have attempted to delineate. He was the pioneer in the work of defining the legal concept of sovereignty which has preserved such a vigorous life to bless or vex subsequent generations. Unquestionably he took important steps toward the definition of the concept of sovereignty and law in an Austinian direction. Indeed, he has generally been considered the *fons et origo* of the doctrine, the man who first gave it substantially its modern form. The words "Bodin" and "sovereignty" have become almost as inseparably linked as synonyms. It is necessary, however, to examine very carefully the actual words of this great thinker in order to discover whether he went the full distance on the road later traversed by Hobbes and Austin, or whether, on the contrary, clear traces do not exist of the older viewpoint, ingrained in political philosophy since antiquity, of a true law above and limiting the sovereign. We must attempt to answer the question of whether the limitations which Bodin admittedly placed upon his sovereign are "legal" or merely "moral" in nature, and whether indeed he had any consistent theory at all. Obviously the whole matter has a most important bearing not only on the development of the modern idea of sovereignty, but also, as we have tried to demonstrate above, on the connected question of obedience and of active and passive resistance, i. e. the problem of whether we are to characterize all acts of resistance to duly constituted, determinate political authority as illegal (though possibly perfectly justified "morally") or whether certain of these acts may be considered legal as well as moral.

At first glance our problem seems a simple one. Does not Bodin himself say in unmistakable terms that "sovereignty is the highest authority over citizens and subjects, *legibus*

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*soluta*"?[1] Does he not enunciate in bold language, which Hobbes would have delightedly accepted, the proposition that "sovereignty is indeed limited neither by a greater authority, nor by any laws, nor in time"?[2] Professor Hearnshaw, who represents the ruling opinion on Bodin today, at least in England and America, affirms that:

> Bodin ends, in spite of all his apparent concessions and seeming surrenders, with a strong affirmation of the supreme authority of the secular sovereign. There are many *things*, it is true, which the Sovereign Power *ought* not to do; it *ought* not to violate the laws of God, Nature, or Nations; it *ought* not to depart from such fundamental constitutional customs as the so-called Salic Law; it *ought* not to interfere with the *patria potestas*; it *ought* not to meddle with private property; it *ought* not to tax subjects without their own consent; it *ought* not to legislate without consulting the Estates, and so on. But if it does any of these things which it ought not to do, there is no earthly power capable of calling it to account.[3]

Such an interpretation is, however, a great oversimplification. It amounts, in effect, to equating Bodin's idea of sovereignty with Hobbes's, to saying that Bodin denied all limitations of law upon the sovereign, there being no law except his will.

An examination of the significant passages in Bodin's *De Republica* affords little warrant for the conclusion that the author recognized no legal, but merely moral, limitations on the king; indeed the passages in question are quite medieval in tone. To be sure he makes little allowance (I shall try to point out exceptions even in Bodin) for definite, humanly organized, institutional checks or sanctions as against the sovereign, but in this he does not differ from John of Salisbury or Bracton, who certainly, in a very real sense, recognized legal checks on the sovereign. If we keep in mind the fundamental medieval viewpoint, that law is spontaneous in origin

[1] *De Republica* (ed. 1591), Book I, chap. viii, p. 123. Except where otherwise indicated, all references will be to this edition.

[2] *Ibid.*, p. 125.

[3] F. J. Hearnshaw, "Bodin and the Genesis of the Doctrine of Sovereignty", in *Tudor Studies*, pp. 124, 125.

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and incapable of violation by the king, unless he becomes a tyrant, such statements as the one that "it is necessary that those who are sovereign be subject to no one", and that "they be able to give law to subjects, and to quash or annul useless laws in order to make others out of them" [1] do not preclude the possibility of really legal limitation upon the sovereign. Neither does the much cited *legibus solutus* clause, however unqualified it may appear on the surface, dispose of the question. I shall, however, reserve discussion of this particular clause until we have considered the different kinds of limits placed by Bodin upon his sovereign.

The limitations recognized by Bodin upon the sovereign may be divided for purposes of analysis into the categories of first, *leges naturae et divinae,* or natural and divine law (with its subsidiary principles, partly an outgrowth of fundamental customary law as well, of the inviolability of private property, of the family and of contracts); second, the *jus gentium* or law of nations; and, third, the *leges imperii* or constitutional laws of monarchy. Hancke points out that the *jus gentium* occupies, for Bodin, a position midway between natural law and positive law. It is derived from the *jus naturale,* but can be modified by positive law to meet the individual needs of the State.[2] As the definition of the *jus gentium* was left entirely to the sovereign, and as officials as well as subjects owed unconditional obedience to his interpretation of it, we may conclude that the *jus gentium* has little legal authority over the sovereign.[3] Whatever legal limits really exist on the sovereign authority under *jus gentium* can be attributed to its source as *jus naturale.* It is in connection with the latter, rather than with the *jus gentium* itself, that the community may be said to have a voice in determining such limits, and that a right of passive resistance or of disobedience against the sovereign may inhere in subjects or citizens, as well as magistrates.

As to the *leges imperii,* it is incontrovertible that they con-

[1] *Op. cit.* (French ed., 1629), Book I, chap. viii, p. 131.

[2] *Ibid.,* Book I, chap. viii, p. 132. See also E. Hancke, *Bodin: Eine Studie über den Begriff der Souverainetät,* p. 31.

[3] *Op. cit.* (French ed., 1577), Book III, chap. iv, p. 304.

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stitute legal obligations upon the sovereign. Even Dunning[1] recognizes that for Bodin they have a force superior to the *leges naturae et divinae,* and, therefore, in conformity with his general theory that Bodin allows only moral and not legal limitations upon the sovereign, he regards this inconsistency as a serious lapse on Bodin's part.[2] It cannot be so considered, however, if we accept the view that Bodin thought of sovereignty rather as a definite legal competence or complex of legal prerogatives, limited in its nature, than as unlimited, arbitrary and legally unrestrained and undefined power to command subjects at will. Under the former interpretation Bodin's idea of the *leges imperii* is thoroughly consistent. It is unfortunate that Bodin gives us so little information about this important matter, but at any rate the limitation on the French sovereign involved in the Salic Law and the law against alienation of the domain pertaining to the State seems unescapable.[3]

Natural and divine law constitute for Bodin the chief source of limitation upon the sovereign. Continually, and most emphatically, he drives home the fact that the sovereign is subject to this law. "For if we define authority as absolved from all laws, no prince is found to have the rights of sovereignty anywhere, since the divine law, and law likewise of nature, as well as the law common to all nations which has its reason derived from the law of nature and divine laws, hold all".[4] Dunning, representing the traditional attitude, makes short shrift of this and similar passages. They obligate the

[1] W. A. Dunning, *Political Theories from Luther to Montesquieu,* p. 101.

[2] Professor H. J. Laski, in his Introduction to his translation of the *Vindiciae contra Tyrannos, A Defence of Liberty against Tyrants,* p. 45, calls these remarks of Dunning "good". I should prefer to designate them "very bad".

[3] "As to that which pertains to the laws of the realm [*leges imperii*], since they are joined with sovereignty itself, Princes are not able to abrogate them or derogate from them. Of such a nature is the Salic law, the firmest foundation of this kingdom. Any act derogating from the laws of the realm is accustomed to be disregarded by the magistrates; [this applies] at the death of a prince, if anything shall be decreed against the laws of the realm, or subtracted from the rights of sovereignty, or usurped in relation to the property [*praediis*] pertaining to the State."—*op. cit.,* Book I, chap. viii, p. 139.

[4] *Ibid.,* pp. 130, 132.

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sovereign in a moral sense only, and not at all in a legal one.[1] J. W. Allen, though much more uncertain on the point, seems finally to agree.[2] Rehm, on the other hand, inclines to the view that these limitations are more legal than moral.[3] The last seems to have the better of the argument. Bodin certainly did not make the highly acute modern distinction between law and morality. To be sure he made one between *jus* and *lex; jus,* he says, pertains to that which is equitable and good, whereas *lex* pertains to the authority of commanding; therefore *lex* is nothing else than the command of the sovereign.[4]

From this clear-cut statement it obviously follows that, although Bodin constantly uses uncritically the term *legibus naturae,* he really means *jure naturae.* But it also follows that natural law is real law, unless we deny all character of law to *jus.* It seems clear that he is using the term in a Roman sense. Few will be bold enough to say that *jus naturale* to the Roman jurists, such as Gaius, was not law, but merely morality. The fact is that if we deny the character of law to all rules of conduct except those arising from a determinate sovereign will, we de-legalize almost completely medieval society, and to a large (though of course diminishing) degree early modern social and political organization, which in this respect inherited the medieval tradition. Undoubtedly, believing as he did that with some special force and significance the command of the sovereign has the force of law, Bodin represented a long step forward; it does not follow, however, that he broke completely with the ingrained medieval viewpoint. He stands at the crossroads, a blender of conflicting tendencies, not in the forefront of modern monists.

[1] Dunning, *op. cit.,* p. 100.

[2] J. W. Allen, *Political Thought in the Sixteenth Century,* p. 416.

[3] Hermann Rehm, *Geschichte der Staatsrechtwissenschaft,* p. 229.

[4] "Plurimum distat lex a jure; jus enim sine jussu ad id quod aequum, bonum est; lex autem ad imperantis majestatem pertinet. Est enim lex nihil aliud quam summae potestatis jussum." — *op. cit.,* Book I, chap. viii, p. 159. When Laski implies in his Introduction to the *Vindiciae,* p. 45, that Bodin said that "jus est quod jussum est", he seems to be going directly contrary to the above-quoted passage. Bodin specifically affirms that *jus* is not *quod jussum est,* but rather *lex* is.

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Dunning is much impressed by the fact that in one place Bodin calls a tyrant, or a monarch who breaks divine and natural law, "sovereign".[1] But does this mean any more than that a tyrant possesses or has usurped sovereign rights or prerogatives and that, in regard to these considered alone, he is a true sovereign? As a matter of fact Bodin does seem to make a truly legal distinction between a *monarchia regalis* and a tyranny.

> A king is one who, constituted in sovereignty, shows himself not less obsequious to the laws of nature than his subjects and promises to protect their liberty and possessions equally with his own; a tyranny is a case where one man, having broken divine and natural law, abuses at his own pleasure the goods of others as his own and free men as slaves.[2]

In other words a sovereign in the fullest sense, as distinguished from a tyrant, has *potestas* and *imperium* but not *dominium,* a truly legal difference. Bodin also calls his third kind of monarch, the seigneurial monarch, or one who has *just* and complete power over all the goods of his subjects, sovereign; but his discussion shows that he considers this form of government suitable only for very undeveloped states, and that he considers the true sovereign in the true state to be neither the tyrant nor the patrimonial monarch, but solely the constitutional or royal monarch. Moreover, actual checks are recognized by Bodin on a tyrant, to wit, active resistance and tyrannicide against a tyrant *absque titulo,*[3] or a usurper, and passive resistance against a tyrant *exercitio,* or a legitimate king who exercises his power illegally and tyrannically.

Undoubtedly one of the reasons for attributing a merely moral character to natural law has been its alleged vagueness and indefiniteness. Legists and the law thrive on certainty, definition and precision. We feel, at any rate, much less reluctance about stamping with the golden seal of law a code of rules of conduct spun out and spelled out in detail than an

[1] Dunning, *op. cit.,* p. 100.

[2] *Op. cit.,* Book II, chap. iii, p. 312.

[3] *Ibid.* (French ed., 1576), Book II, chap. v, p. 297.

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airy, floating and ill-defined substance called "natural law" or justice. However, Bodin's conception of the natural and divine law is not entirely up in the clouds and without specific content. In respect to at least three matters, definite precepts understandable to the modern legal mind are derived from the more general category of the natural law. These derivative principles include: (1) the inviolability of private property; (2) the inalienability of subjects or families, and the illegality of arbitrary murder of citizens at the command of the sovereign; and (3) the obligatory force of contracts.

The principle of the obligation of contracts runs to the effect that a contract must be kept in so far as the other contracting party has an interest in its maintenance. Bluntschli seems to have been the first to recognize the importance of this idea in Bodin's theory. After indicating that the sovereign, for Bodin, is absolute in the sense of not being bound by any other political power or any law of the state, and of being able to change any such law at will, he comments:

> To be sure Bodin makes here a distinction between law and contract. The contract binds even the sovereign, in relation to the other party to it, be he a foreign prince or his own subjects, in so far as this party has an interest in the fulfillment of the contract. Natural law, which the sovereign must observe, requires that a promise made to anyone shall be maintained and, should the sovereign fail to observe this prescription, he would destroy public faith whose protector he is.[1]

Undoubtedly a contract is not the same thing as a law. Bodin himself in unmistakable terms believes those people deluded and deceived who deem *pacta conventa* the same thing as *leges principum*.[2] But this is far from saying, and Bodin did not mean to imply, that contractual obligations do not form legal obligations. Contracts may not be laws in themselves, but the principle that contracts must be kept and that promises have binding force surely is a law and one derived directly from

[1] J. K. Bluntschli, *Geschichte des allgemeinen Staatsrechts und der Politik* (München, 1874), p. 22.

[2] *Op. cit.*, Book I, chap. viii, p. 136.

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the law of nature. If a prince makes a contract with his subjects and then breaks it in such a manner as to deprive them fraudulently of their rights, the courts, be it noted, should and *will* hold him responsible.[1]

It may be objected, however, that a contract between a prince and his subjects, even though legally binding, is purely voluntary, and has binding force only because the prince submits to the self-imposition. This doctrine has a long history running back to the *digna vox* clause of Justinian's Code. But this point of view presents, to my mind, insuperable difficulties. In the first place, Bodin believed that the courts should enforce a contract once made between a king and his subjects; but it is a curious sovereign from the Austinian viewpoint who can be bound by the courts in any particular against his will, even though by a prior, contrasting expression of that will he may have agreed to be bound. Second, the general tenor of Bodin's discussion of this subject seems to imply that a sovereign is under certain circumstances obliged to make contracts with his subjects. For example, the principle of the inviolability of private property of subjects by a sovereign seems assimilated in large measure to a perpetual and unavoidable contract between sovereign and subject.

This brings us squarely up against the mooted question of the coronation oath and the problem of whether, and in what particulars, this oath constitutes a binding obligation upon the sovereign, imposed as a *sine qua non* or consideration for obtaining the throne. In other words, to what extent was the idea of contract a convenient mold for cutting out from the mass of vague "incoherently homogeneous" natural, customary and constitutional law a body of definite "coherently heterogeneous" legal limitations upon the sovereign? That the contractual *form* of the coronation oath should be used to confirm and define the constitutional position or customary status of the monarch seems entirely understandable. It was an old Roman legal category suitable for many uses, much more highly refined than anything the middle ages had to offer,

[1] *Ibid.*, pp. 156, 157.

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and also ineradicably rooted in most, if not thoroughly understood by many, of the legal minds of the time. Medieval society, as has been often pointed out, was preëminently an age of status, in which the organized relations of men were regulated by immemorial rules of customary law. As Sir Henry S. Maine has brilliantly asserted, the modern evolution, at least until very recently, has been away from this situation toward one of mobility, flexibility, free agreement and contract. What more natural, then, than that the legal idea of contract should be used in the middle ages and the early modern era, *mainly as a form,* to confirm predetermined and largely static relations, such as that between feudal overlord and vassal, or the relation between the king and his kingdom, the constitutional position of the monarch? It would seem, indeed, to do violence to the facts to give the men of the middle ages credit for a complete understanding and entirely enlightened and modern utilization of the complex legal concept of contract. Rather it seems more likely that an old, only incompletely understood, or perhaps, in the hands of such a jurist as Bartolus, consciously adapted, Roman law category was made to do yeoman service in "legalizing" relations essentially non-contractual and customary in themselves. Of course modern ideas of free and voluntary agreement gradually penetrated into the social life of the times, but we shall not go far astray in characterizing the social conditions of the middle ages and even early modern times as largely "static" and in describing the widespread use of the idea of contract as predominantly formal. Is it not reasonable to suppose that one of the causes for the insistence by medieval writers upon the maintenance of promises and the sacred obligation of contracts was their deep-rooted attachment to the relations of status which those promises and contracts confirmed? Formal laws and ordinances were in those days largely the promulgation of already existing customary law. Why not contracts also?

Bodin clearly recognized that any obligation which might be implied from the coronation oath had its counterpart in an obligation owed the sovereign by his subjects. Laws, depending for their validity solely upon the will of the sovereign,

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ended with the phrase, *Quia Sic Nobis Placuit.*[1] For these laws—laws in the strictest sense, or *leges civiles*—Bodin seems to employ the term *leges patriae.* These are the rules from which ordinarily (in the absence of contractual obligations) the sovereign is *legibus solutus.* In treating the question of whether a prince is obligated by the *leges patriae,* which he has sworn to observe, Bodin is faced by a dilemma.[2] He does not like to admit the right of the prince to break his own promise; on the other hand, to hold a prince bound to the laws he himself issues is to derogate from his sovereignty. Bodin, after much hesitation, inclines to the view that the sovereign may break such promises if sovereignty is imperiled.[3] However, he believes much the best and wisest solution is for a king not to make contracts and take coronation oaths which infringe upon his sovereignty, i. e. the scope of his authority; and he adduces, by way of illustration, various coronation oaths some of which he holds innocuous and others mischievous from this point of view.[4] If the king cannot change his own laws without the consent of the senate or people the ultimate effect is to usher in a régime of confusion worse confounded in which "sovereignty inclines now in this, now in that direction and has no fixed abode".[5] But this is far from meaning that Bodin denied all validity to the coronation oath as a legal obligation resting upon the sovereign. Although he deprecated a promise by the sovereign to hold to *his own* laws, he nowhere says that the coronation oath does not create or confirm a legal duty upon the sovereign to maintain and hold himself bound by the precepts of natural law, divine law, the *leges imperii* (indeed what we moderns would call customary law) in so far as they delimit the sphere of his rightful authority or sovereignty and form a body of true constitutional law placed over him. My own impression is that Bodin regarded the coronation oath as of transcendental importance. He

[1] *Ibid.,* p. 134.
[2] *Ibid.,* p. 135.
[3] *Ibid.,* pp. 135-7.
[4] *Ibid.,* pp. 137, 138.
[5] *Ibid.,* p. 147.

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merely objected to the injection into that oath of promises calculated to make a hollow mockery of sovereignty and to nullify the rights of the sovereign to enact formal legislation. He would have been the first to see in the coronation oath an implied promise not to violate such an important principle of the natural law as, for example, the sanctity of private property. Indeed he specifically laments the fact that to make the prince swear to abide by the civil laws (*leges patriae*) tends to cause him to lose respect for all laws, an argument with a very modern ring. Things reach a point, he says, where many princes "having equated natural and civil laws think themselves absolved from both".[1] Here we discern the true meaning of the *legibus solutus* clause. The sovereign is absolved from all laws promulgated by himself within his rightful sphere of authority, not from the higher law limiting him. If he stays within his sphere he acts legally, if not, he acts illegally. The principle of the obligation of contracts, a lineal forerunner of a provision of our own national constitution, forms a far too direct, compelling, important and enforceable restriction to be relegated to the category of a merely self-imposed moral limitation.

We turn now to the principle of natural law, in a measure assimilated to an implied contractual obligation on the sovereign's part, that he may not confiscate private property except for just cause. In affirming this principle Bodin denied the right of the sovereign to enrich himself unjustly; it was, he said, *lately judged much more equitably in the Court of Paris* that "a prince is able to derogate from the civil laws as long as that is done without fraud to anyone".[2] Bodin unquestionably regarded private property or *dominium* as at the very basis of the family and, assuming the indestructibility of both as an absolute temporal and logical prerequisite to any state worthy of the name, threw special safeguards around them and withdrew from the *imperium,* or legal authority of the sovereign, arbitrary power over them. *Dominium* was simply not considered necessary to government, or rather one of the

[1] *Ibid.,* pp. 148, 153.

[2] *Ibid.,* p. 157.

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principal purposes of government was considered to be that of keeping *dominium* intact. This limitation, finding expression in the legalistic distinction between *imperium* and *dominium* and enforceable at times in the courts,[1] is emphatically a legal one. Indeed Bodin in this matter still seems largely imbued with the medieval conception of the king's authority as a group of legal prerogatives of government and jurisdiction, which, though treated procedurally in a similar fashion to ordinary private-legal rights of property, differed substantively from them. These prerogatives did not give the king absolute power; quite to the contrary, his legitimate activity was definitely and narrowly limited within the sphere accorded to him by the law. No public law was recognized in the modern sense of the legal right of any single organ of government, be it king or parliament, or any complex of such organs, to override rights protected by private law. But a public law in the sense of a distinct classification of royal rights or privileges did exist in the middle ages.

Bodin clearly stands only at the threshold of the great modern development of the police power of the state which today has grown strong enough to change at will rights formerly regarded as unchangeable, or changeable only by the slow process by which customary and common law spontaneously grow. He undoubtedly went some of the way in ascribing to the sovereign a peculiar legal authority, a power alone to make law by formal legislation, untrammeled by interference from the estates, and to abrogate much law (even customary law) by his mere mandate. Some passages in the *Republic* sound as Hobbesian as Hobbes. For example, there is the famous section in which he discusses the relation of law to custom. First, he explains that some have said that "individuals make customs, both general and particular, and yet it is certain that custom does not have less authority than law" and that "if the sovereign prince is master of the law, individuals are masters of custom". He then proceeds to reject squarely this contention. "However, law can quash customs and custom

[1] *Ibid.*, pp. 161, 162.

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cannot derogate from law, and, in brief, custom has force only by the sufferance and as long as it pleases the sovereign prince and, therefore, all the force of laws and customs rests in the power of the sovereign prince".[1] These phrases do represent a serious inconsistency in Bodin because, if carried to their logical conclusion, they would destroy all limitations on the sovereign's authority. What are the rules of natural law, the *leges imperii,* and all the other restraints if not parts of custom? I think that, if Bodin had thought the matter out at this point, he would have introduced a qualification, and I believe it is legitimate to infer it. The king cannot legally change those fundamental customs, which, embodying rules of the natural, divine or constitutional law, establish, define, circumscribe and *make* sovereignty itself. The sovereign cannot destroy sovereignty. It is not hard to discover the motive influencing Bodin in his discussion of custom. Like all the trained lawyers of the time, he stood aghast at the mass of confusing, conflicting and archaic *local* customs, and saw the absolute necessity of permitting the sole legislative (in the modern sense) authority to change or abolish them at will.[2] A unified national legislation was an imperative necessity. This does not mean giving to the king the legal authority to alter the boundaries and limits of his own competence, which remained immutable. Dunning comments on this passage as follows: "In short, law, he says, is nothing else than a command of the sovereign. After this, the conception of *leges imperii,* above the sovereign will, seems very much out of place in Bodin's system."[3] But Bodin never meant that law is merely and always the command of the sovereign; civil law, or legislative law, is only that, to be sure, but not fundamental or constitutional law. Dunning takes a minor inconsistency in Bodin and erects it into an alleged Bodinian system which in many respects presents characteristics diametrically opposed to Bodin's entire scheme of thought. Far from being out of place in it, the *leges imperii* and the other rules of customary

[1] *Ibid.* (French ed., 1577), pp. 162, 163.

[2] *Cf.* Declareuil, *Histoire du droit français,* p. 851.

[3] *Op. cit.,* p. 103.

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and natural law which define and determine the true limits and scope of the king's authority are among its most important foundation stones.

From the principle of the inviolability of private property Bodin deduces the fundamental rule, which is peculiarly medieval, that no extraordinary aid or taxation may be imposed upon subjects without their consent, given in the assembly of the estates. Bodin believes that France is no different from England in this regard.[1] The limitation is absolute, except when a great emergency prevents the calling of the estates. This is a legal restriction, difficult to evade because of the powerful position which the organized estates occupied. In a sense there is a real sanction to this rule of law. Now, to be sure, from the point of view of Hobbes and Austin a sovereign without the uncontrolled taxing power is a pretty feeble imitation. But here is just the point where Bodin and Hobbes part company. It should be clear by this time that Bodin's sovereignty is not unlimited, even by the law.

So far we have been considering the "higher law" including the natural law and the civil law as though they were mutually exclusive, water-tight compartments. Such, however, is far from the actual case. The most interesting problems arise in those instances, and they are many, where the two come in conflict; where the king incorporates regulations into the civil law which are incompatible with manifest or alleged natural law; or where he changes a provision in congruence with, or claimed to be in congruence with, natural law, into one manifestly, or alleged to be, contrary to it. Two questions press for solution here. First, what is the position of under-magistrates and subjects in case the sovereign in legislating clearly violates natural law? Second, is the prince *legibus solutus* in relation to those parts of the civil law which conform by direct "interpretative" elaboration, or by silent

[1] "I indeed think that no more in this matter is permitted to other kings than to the kings of England, since no one is so wicked a tyrant as he who thinks the custom to be for him to tear away the goods of another."—*op. cit.*, Book I, chap. viii, p. 142.

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intent, to the higher law? The answer to the first question is plain. If the sovereign clearly violates a well-known rule of natural law, this releases the magistrate from all obligations to carry out the sovereign command or law, and the subject from all duty to obey it. Bodin explicitly enunciates this right of passive resistance, although he emphatically denies any right of active rebellion or tyrannicide, except against a "tyrant without title".[1] In doubtful cases, however, where it is not clear whether the law of nature is infringed or not, the sovereign's own interpretation must prevail. The statute must be obeyed unless palpably contrary to natural reason; unless, if I may interpret, "it can be said that a rational and fair man necessarily would admit that the statute proposed would infringe fundamental principles as they have been understood by the traditions of our people and our law".[2] Bodin gives an illustration. Supposing that a famine having arisen in the kingdom, the sovereign prohibits the exportation of common staples. Now, merchants ought not to violate this law, after the famine is over, even though the occasion for exporting may be urgent, and the law of nature persuades us to give relief to oppressed strangers, "since the prohibitory authority of the law is greater than equity whose nature anyone may pretend to his own desires, unless the interdict of the Prince plainly violates divine and natural laws".[3] Clearly in this case a great difference of opinion could exist as to whether the natural law was violated or not; obviously under such circumstances the civil law should prevail until repealed.

Some have contended that as a sanction passive resistance has little effective force. On the contrary, in a clear case of violation of natural law, such as an arbitrary confiscation of private property, this sanction, which Bodin expressly legalizes, may be as potent and compelling in checking the sovereign as almost any coercive machinery merely formal in nature. Allen recognizes this, when he says "nor is it true that to

[1] *Ibid.*, Book I, chap. viii, p. 155; *ibid.* (French ed., 1577), Book II, chap. v, p. 225; Book III, chap. iv, p. 304.

[2] Justice Holmes, dissenting in *Lochner vs. New York*, 198 U. S. 45.

[3] *Op. cit.*, Book I, chap. viii, p. 155.

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deny a right of forcible resistance makes all limitations on sovereign authority valueless. Passive resistance, if resorted to by any large proportion of its subjects, would leave any government powerless".[1]

But, it may still be objected, these limitations of the natural law are entirely too hazy and ill-defined to constitute legal checks on the sovereign; in all practical cases he can interpret them to suit himself; in all such cases "reasonable men, acting reasonably" will differ as to whether he has violated natural law or not, so that his own opinion on the matter will prevail. I do not believe so. Bodin conceived his sovereign as being in a position analagous to that of the Massachusetts Legislature were it to pass a law arbitrarily and without compensation confiscating the estate of a wealthy private citizen for a public park. No court in the country would hesitate to hold that no reasonable man could fail to condemn this law as unconstitutional, as violative of the due process clause of the Fourteenth Amendment. Indeed, *as a matter of language,* the words of that amendment are as vague as the Bodinian prescript of the natural law prohibiting a prince, *sine justa causa,* from laying his hands upon the resources or goods of others and from bestowing them on anyone. It is the content given to these words which counts and the words used by Bodin did have a generally accepted content then, just as the words of the Fourteenth Amendment have such a content today, though of course the meaning of the latter has been much more elaborately spun out. On the other hand, if the British Parliament today should pass a law similar to the one conceived above, I presume no court could hold it to account and its command would be legally valid. That fact illustrates the difference between Bodin's sovereign and Hobbes's; most emphatically it is a legal difference.

We come now to perhaps the most interesting and most difficult problem in Bodin's whole theory of sovereignty. Bodin has clearly seen the importance of placing him who makes the law above the law. He must be able to change those laws

[1] *Op. cit.*, pp. 27, 28.

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which he makes at will; otherwise he does not have the supreme authority in the state. Unfortunately, however, this necessity of absolving the sovereign from all law cannot be carried out to its ultimate logical conclusion in Bodin's theory. This is because the civil law, which depends for its validity solely on the will of the sovereign, contains within it some important portions of the higher natural and customary law, which he thinks bind the sovereign as strictly as anyone within his jurisdiction. Bodin himself clearly recognizes the difficulty. "What, therefore, if the Prince prohibits by law killing or stealing? Is it necessary for him to obey his own laws?" [1] He resolves the paradox by insisting on the familiar medieval doctrine which asserts that in such a case the "legislative" authority does not really make law but merely "establishes" it. "This law is not of any man, but of God himself, which expressly and strictly comes from nature itself, by which all princes are much more firmly obligated than subjects".[2] Bodin's position is perhaps theoretically consistent enough; natural law simply lies outside the scope of the sovereign's competence to affect in any way. Therefore a statute which technically may be promulgated as part of civil law by the sovereign, if it incorporates a natural-legal rule or prohibition, in reality does not form part of the civil law at all. The sovereign does not really make law here; he merely confirms it, or establishes it.

By this time, however, certain precepts of so-called natural law were beginning to assume all the definiteness of constitutional or civil law itself. But, as increasingly promulgation was coming to be looked upon as essential to law, what was more natural than that a demand should arise for the sovereign to legislate into the civil law rules generally recognized as parts of natural law. In other words, as concerns promulgation, the two kinds of law tended to be shaken down to the same level, although of course, as concerns substance, a higher validity would often still be attributed to the part of the civil law conceived to be in conformity with natural law. In the

[1] *Op. cit.*, Book I, chap. viii, p. 152.

[2] *Ibid.*

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same fashion we like to think of both constitutional law and civil law as proceeding from the command of the sovereign, or at any rate of both as being "positive", although we place the former on a higher plane than the latter. Under such circumstances Bodin's assertion that the sovereign is *legibus solutus,* since the natural law, by which he is undoubtedly bound, really does not constitute part of the civil law in any strict sense, will appear to many as simply casuistry. Unmistakably there is a danger of being caught between Scylla and Charybdis. On the one hand, some will say that *legibus solutus* means absolved from all laws. Since, the argument runs, all laws ultimately depend for their validity on the will of the sovereign, he cannot be bound by any part of the law which he himself promulgates, whether it be in establishment of a higher law or more strictly civil law. On the other hand, those persons who are bent upon retaining traditional legal restrictions on sovereign authority, and who at the same time do not wish to deny that all law must be promulgated, will contend that as a matter of fact the sovereign is not *legibus solutus* as regards at least part of the civil law. In other words, the latter party wants to bring the higher natural and customary law which limits the sovereign's authority down even more definitely to the plane of constitutional law binding him, and this even though he recognizes it by promulgating parts of it. For this group the old distinction between positive law and natural law, between *lex* and *jus,* tends to become obscured. Here emerges the definite idea of a *Rechtstaat* in which the sovereign, instead of being *solutus* in relation to all law, is rather *legibus tentus* as regards that part of the positive law which is designated as fundamental or constitutional.

As I have tried to point out, Bodin finds himself torn between these two conflicting tendencies and attempts with small measure of success to reconcile what are, in last analysis, two irreconcilably antagonistic viewpoints. We must beware of representing Bodin's thought in this matter as clearer than it really was. The general tone of his book, however, leads one to believe that he regarded the notion of a king *legibus tentus* as of at least as great significance as the idea of *legibus*

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*solutus.* Indeed, it seems correct to say that Bodin, in so far as he clearly faced the problem at all, reserved the force of the *legibus solutus* clause exclusively for those laws enacted inside the sphere of the sovereign's restricted authority. At any rate the idea of *legibus tentus* is just as fundamental, if not more so, than the opposing, or allegedly opposing, one of *legibus solutus,* though the latter has hitherto been much more stressed than the former. The emphasis upon *legibus solutus* by Bodin's commentators has been in part due to the novelty of this idea as contrasted with the "hoary antiquity" of *legibus tentus,* discoverable in the writings of Bracton, St. Thomas, Cicero and Aristotle. It is also in part due to the impetus given the idea by succeeding writers. It has been often pointed out that Bodin's theory of the sovereign as *legibus solutus* fathered the theory advanced by Hobbes, Austin and the whole group of modern monists. What has been too much overlooked or forgotten, is that other and just as important elements in Bodin's thought lead us to other conclusions, significantly at variance with a view of law as simply, solely and exclusively the voluntary command of a legally determinate Austinian sovereign.

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# REVIEWS

*Austrian War Government.* By JOSEPH REDLICH. New Haven, Yale University Press, 1929.—xii, 175 pp. $2.25.

This important study carries very distinctly a double significance. In the first place, by its detailed analysis of the effects of war upon government in the cis-leithian half of the Hapsburg Monarchy it provides a notable contribution to that literature which ultimately will permit a synthetic survey of the effects of twentieth-century war upon the dynamics and mechanics of government in the widest sense; in the second place it offers an explanation of the end of the Hapsburg Monarchy, which, brief in compass though it is, ranks as by far the most satisfactory thus far published. The memoirs of Masaryk and Benes have described the attack organized against the Empire by the more aggressive revolutionaries. In his analysis of Austrian institutions and spirit in time of war, Dr. Redlich explains the sudden collapse of integrating factors as well as the orderly character of the succession. When we reflect that of all the political effects of the war the disintegration of the Hapsburg Monarchy was not merely the most striking but probably the most far-reaching, the historical value of this study is plain. No one was better qualified to undertake it than Joseph Redlich: with authoritative knowledge of Austrian institutions, resulting from scholarly studies and actual service in the ministry, he displays a sympathetic objectivity that removes his work from the field of political polemics. His point of view is plain and it must have been a satisfaction to him to set forth so clearly for posterity the factors that made it inevitable that the Monarchy could be saved only by the liberal policy for the early adoption of which he labored in vain.

The book opens with a general chapter on Austrian administration before the war, emphasizing the spirit of absolutism which made the fate of the Monarchy dependent upon the person of the monarch and describing the systems of bureaucratic centralization operating in the midst of the conflict of nationalities. Austria entered the war with government exclusively in the hands of a bureaucracy, convinced that any weakening of German control must prove fatal, a bureaucracy, furthermore, seriously affected by the whole process of con-



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stitutional, political and national disintegration characteristic of the latter years of Francis Joseph. Then follow two chapters upon the constitutional provisions looking toward the emergency legislation that led to the establishment of the dictatorship and a survey of the political situation immediately preceding the outbreak of war. As it developed ultimately, the use made during the war of the dictatorship proved fatal to the Monarchy. But Dr. Redlich refuses to accept the thesis that the break-up of the Monarchy which followed after four years of unexampled war should be dated from the time of its outbreak. Whereas Dr. Benes believes that once the war had started "it was not humanly possible to save Austria Hungary", Dr. Redlich lays stress upon the strong and widely diffused sense of the common interests involved in the continued existence of the Empire: "a sense that for most of its peoples, had centuries of history behind it."

The succeeding chapters, treating of the new government in detail, explain the process of national dissolution. The downfall of the Hapsburgs resulted, in Dr. Redlich's opinion, from the spirit pervading the dictatorship that characterized the government of Austria until the death of Francis Joseph. As expressed in the long series of decrees it was intended to silence any and every political or national expression by any of the subject races. The effort to concentrate everything in the hands of the Supreme Command, itself suspicious of anything that was not German, not merely intensified the conflict, latent throughout decades, between military power and constitutional government; it also provided the "strongest levers" for bringing about the alienation of the nationalities from the dynasty which had identified itself with the war régime. The rulers of Austria failed to realize that the continuance of Austria, as a state, depended less on the balance of military power than upon the "deeper powers in the minds and hearts of the people." Distrust of the people manifest in every action of the war government and the conviction of the leaders of minority nationalities that victory meant merely the triumph of the Germans, broke down loyalty to the dynasty. Thus were crystalized, and in this opinion Dr. Benes agrees fully with Dr. Redlich, the forces working for the destruction of the historic union of the nationalities. It might have been possible, by enlisting the coöperation of all the peoples of Austria in an effort of preservation against foreign attack, to provide an effective bulwark for the principle of unity. But the political intervention of the Supreme Command, with its distrust of any "national policy",

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led directly to "the political and national break-up of the monarchial machine and so to its infallible ruin."

With the accession of the Emperor Charles began the second period of Austrian war government and the attempt through the revival of parliamentary institutions to heal the political wounds dealt during the dictatorship. The attempt failed, partly because of the refusal of the middle-class Germans to accept "national" policy, partly because, as the Czechs and South Slavs at once made plain, the rifts driven by three years of war extended deep down to the foundations of the state. The strength of the dictatorship as it had been maintained by the emergency laws departed, but it was too late to replace it with anything like a "national" régime, simply for lack of materials. The idea that Austria-Hungary was a German-Magyar realm had gained complete possession of the minds of the supporters of the War Government; it was now equally accepted by the subject nationalities who were concentrating on the "Path to Freedom" which would be open to them when the common house of nations fell in fragments. The young Emperor lacked the insight and the heroic force of will that would have been necessary, at this date, to accomplish the free union of peoples based on political independence and political coöperation which might have preserved the Empire.

The end of the Empire came with a dignity in which the author displays justifiable pride. The complete military defeat of 1918 and the recognition of the independence of the Czechs by the Allied governments led directly to the dissolution of the state, a dissolution accomplished without any bloodshed and, despite the appalling economic conditions, in almost complete order. The old agencies of authority set up by the former Austrian government, the various communal and state bureaus, "went on with their work in the new States without losing a day." The October Manifesto, designed to facilitate the creation of a new federal Austria, completed the liquidation. By the word of the Emperor himself the national states were set up, and thus by a strange paradox the formal dissolution of the old Austrian state was the last act of the inheritor of its dynastic power. "The manner in which the Austrian House, in its last hour, gave a legal basis to the dissolution brought upon it by the War, did, whatever its intentions, assist the peoples to separate without bitterness, and helped their first independent step on the path of new nationhood."

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*A Study of the Principles of Politics.* By GEORGE E. G. CATLIN. New York, The Macmillan Company, 1930.—469 pp. $6.00.

Professor Catlin gives his new volume the provocative though rather ambiguous subtitle: "an essay towards political rationalization". He tells us that political science is the study of means. "One of the tests of a sound political science is that it is difficult to detect which social party its conclusions favor, since they are formal results—results concerning what one should do *if* one desires a given end". In short, what Professor Catlin seems to be offering us is a new "handbook for statesmen", presumably of equal validity whether the statesman be Mussolini or Hoover or Ramsay MacDonald or Mayor Thompson. Yet I feel sure that anyone who peruses this considerable volume in the hope of unfolding the secrets of success in statecraft will be completely disappointed. He will find many judicious and worthwhile comments and reflections on the larger question of political philosophy, but that is a wholly different affair from the neutral calculations of the political engineer. It may in truth be doubtful whether in the complex sphere of politics one can effectively study means apart from ends, unless the ends are so simple or universally agreed upon that, like those of the physical engineers, they can be taken for granted—but the problems of practical politics rarely if ever present this condition.

As in his earlier book on *The Science and Method of Politics* Professor Catlin is much concerned with the methodology of his subject. With minor modifications he repeats and develops his contention that "politics" should not be identified with the business of the state (for which he would apply the term "civics", "administration" or "government") but is to be thought of rather as the study of a type of human activity, that of control exercised by man over man. Politics is "the study of the control relationship between human beings" (p. 92). The present reviewer finds this approach somewhat disconcerting. Any type of human activity ramifies into all spheres of human relationship and consequently Professor Catlin comes close to identifying politics and sociology. The trouble is that when we seek to study activities apart from structures it is impossible to draw clear lines. Control is a phenomenon that belongs as essentially to economics as to politics, to family relationships as to "civic" relationships. (The distinction which the author draws between economic and political activities on page 71 is highly precarious). Economics and politics are both organized ways of

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getting what we want. It may be pointed out that control is often an aspect of activity, not necessarily an integral *kind* of activity. The desire to control others appears as a motivation in a hundred types of conduct. I do not deny that it is a possible and an interesting quest to pursue the psychological intricacies of the activities involved in the control of man over man in every sphere where they present themselves, but this is not really attempted by Professor Catlin. In spite of his new definition of politics he is still in the main concerned with the old problems of political life, of liberty and authority, equality and status, conflict and solidarity. It is true that he envisages these in a broad social setting. But the relation of these concepts to government remains fundamental in his thought.

The chief merit of Professor Catlin's standpoint is that it enables him to deal with these topics in the light of our present sociological knowledge and with a fine catholicity of spirit. The author draws aptly from many sources and shrewdly sums up many controversies ancient and modern. He is at once critical and constructive—though it might be claimed that he is constructive only because he does not cling too rigidly to his initial tenet regarding the neutrality of politics toward the ends of life. The chief defect is that, abandoning the relation of social activity to specific social structures, he misses a certain concentration or focus. For all its shrewd observations it is a hard book to read through, though each part is interesting by itself. It is the work of a keen thinker, but one misses at times the orderly exposition which is demanded by the very magnitude of the task to which the author has set himself. In these days, when the tendency is to shun or depreciate the necessity of "principles", it is a book to be welcomed, not less for its promise than for its performance.

R. M. MACIVER

*La Fayette.* By BRAND WHITLOCK. New York, D. Appleton and Company, 1929. 2 vols.—475, 452 pp. $10.00.

No other foreigner has ever rivaled the Marquis de La Fayette in the hearts of the American people. From the day when the young nobleman, glowing with enthusiasm for the cause of liberty, landed on our shores to offer his services gratis and spend his fortune freely for the vindication of the Declaration of Independence, his name has had an honored place on the roll of the founders of the American Republic. His nobility of character as well as of name, his eagerness to serve wherever, whenever and howsoever he could be of use,

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with no taint of the spirit of jealousy and intrigue which in many another general increased the almost unbearable burden laid upon the great commander-in-chief, his generous and undeviating personal devotion, completely won over the controlled affections of Washington, who "loved him as a son", wrote him letters filled with the pain of parting when he left America for his visits to France, and fell into his arms in tears when he returned. Deep called to deep in the souls of these two men. And their common consecration to the ideal of a free America lifting the banner of a larger liberty for the whole world has canonized them in our political calendar.

Though we have had a number of works in English on La Fayette since Charlemagne Tower's two volumes on *The Marquis de La Fayette in the American Revolution* published in 1895, Mr. Whitlock has given us the first thoroughly satisfactory story of the whole amazing career of this scion of highest rank of the French nobility, "an aristocrat to his finger tips", maintaining unswerving and undaunted, in the face of feudal privilege, Jacobin dictatorship, Napoleonic despotism, and resuscitated Bourbon absolutism, his crusade for civil liberty and constitutional government. In this cause he endured imprisonment in revolting foreign dungeons and the ban of exile from France; for it he sacrificed his immense fortune and brought his devoted wife and children to the verge of poverty. The idol of Paris after the fall of the Bastille, in command of the National Guard, and solicited by the flatteries of Mirabeau, he might have made himself military master of France had he allowed personal ambition to conquer his constitutional principles. Liberated from his Austrian prison by the victories of Napoleon in the Italian campaign, he could have shared in the glory, riches and power of the rapidly rising despotism of the Consulate and the Empire, had he listened with other than frigid civility to the advances which the Corsican repeatedly made to seduce him from his "ideological" obsession for political liberty.

It is just this quality of steadfast courage in devotion to an ideal (a devotion first fortified in the camps and on the battlefields in America) that makes the character of La Fayette so admirable. The man who emerges from Mr. Whitlock's pages was neither a constructive genius nor a great administrator. His intellectual gifts were not conspicuous. Except for his masterly pilotage of Louis Philippe to the throne in 1830 and his ardent defense in the Chamber of Deputies of the constitutional obligations of the July monarchy —services rendered at the very close of his long public life—he was

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never a national leader. Perhaps his lack of emotional partisanship and an ineradicable passion, with advancing years, for the quiet dignity of the life of the benevolent aristocrat on his estate at La Grange, surrounded by an adoring family, visited by hosts of friends, revered by grateful tenants, and rejoicing in his forests, flocks and flowers, would have kept him from a continuous career of mandates and ministries even in the most favorable of political circumstances. But fate decreed that he should be in opposition to the régime at Paris most of the time. One by one he saw the props slip and fall beneath the inchoate structure of constitutional government. Louis XVI, the Girondists, the victor of Arcole, the restored Bourbon, the substituted Orleanist, all failed him; the Declaration of the Rights of Man, the Charter, the *Acte Additionnel* went into the discard. And for the most part the disappointed friend of liberty preferred the silent protest of a self-imposed abstention to the stormy, unavailing wranglings of the tribune.

Mr. Whitlock's work is popular in the best sense of the word. It is a story which will appeal to the general reader by its clear and vigorous style, its sustained interest, its skillful use of a multitude of reliable sources, without any parade of academic paraphernalia, and by many a passage of moving eloquence. There is no attempt to "jazz up" the narrative with meretricious rhetoric, abrupt ejaculations, cheap slang, or sensational half-truths. "The facts of any life", says Mr. Whitlock, in his preface, "if one can get at them, are always more interesting than the imagination can invent." And Mr. Whitlock has certainly "got at" the facts of this life which was destined to participate, through nearly three score years, in such vicissitudes of political fortune as have seldom fallen to the lot of a single individual.

The least satisfactory part of the work is the chapter (iv) on the French Revolution. The great figures of Mirabeau, Danton and Robespierre are not clearly etched: their policies are rather lumped together as hostile to La Fayette's constitutionalism. There are some errors of fact here, too, that a more careful student of the Revolution could not have made. For example, the Paris mob did not carry the Bastille by assault, "by some miracle of intrepidity" (I, 328), but were admitted by the commander of the fortress; the definition of "*sans culottes*" is ludicrous: "gangs of ruffians, so ragged that they could hardly be said to wear breeches at all, and so came to be known as the *sans coulottes*, were spreading terror in the streets" (I, 543); "Gentle Dr. Guillotine" (I, 449), Hubert

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for Hébert (*ibid.*), Gobet for Gobel (I, 465), *haec missi est* (!) as the closing words of Talleyrand's mass at the altar of the federation (I, 396), are some of the easily preventable slips. Citizen Genêt was hardly "sent packing by President Washington" in 1793 (II, 96), since he married the daughter of Governor Clinton and remained in America to the close of his long life. Patrick Henry did not go to Paris with Murray and Ellsworth in 1799 (II, 104). The population of the United States was not "four million now" (II, 235) but considerably more than ten million when La Fayette visited us in 1824-25. And the "nullification toasts" were drunk at the Jefferson birthday dinner in 1830, not "in the midst of the struggles" following on the opening of the French parliament on November 19, 1832 (II, 399).

In spite of these blemishes, the work will reward the reader with great profit and pleasure; and we shall all heartily agree with Rupert Hughes's remark that the Continental Congress did "an infinitely wise" thing when, on July 31, 1777, it gave a major-general's commission to the nineteen-year-old La Fayette "in consideration of his zeal and his illustrious family and connections".

DAVID S. MUZZEY

*Ministère des Affaires Étrangères: Documents diplomatiques français, 1871-1914.* 3e Série (1911-1914). Tome premier (4 novembre 1911—7 février 1912). Paris, Imprimerie Nationale, Alfred Costes, 1929.—659 pp.

The monumental collection of French pre-war documents is to begin, like *Die grosse Politik*, with the year 1871. It is to be in three series—1871-1900, 1900-1911, and 1911-1914—so that each series may be brought out independently and more rapidly. It is being edited under the direction of a commission instituted at M. Poincaré's suggestion and composed of historical experts, former ambassadors and officials, and academicians. Its aim is rigorous scientific objectivity and the placing before historical students of all essential documents. Hence there are no footnotes except such as are necessary for cross-reference, for correcting errors, and for occasional elucidation of obscurities. It is apparently to be fully as extensive as the parallel German publication, judging at least by the present volume, which covers only thirteen weeks but comprises 659 large pages with 631 documents.

The French, instead of following the more or less topical classi-

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fication of the similar German and British publications, have wisely adopted a strictly chronological arrangement of all documents (as is also done in the recently published Austrian collection of pre-war documents). But the French have also happily added a very convenient topical table of contents in which the documents are grouped by title into thirty-three chapters. The reader is thus enabled always to find instantly all the material relating to any given date; or, by means of the table of contents, he can quickly pick out all the documents relating to any of the more important topics in which he may be interested. It is the most successful solution we have seen of the problem of the best arrangement of a mass of diplomatic material.

The thirteen weeks covered by this initial volume of the third series extend from the Franco-German Morocco Agreement of November 4, 1911, to February 7, 1912, when Lord Haldane started on his famous mission to Berlin. Lest the French should be nervous over the latter, Sir Edward Grey informed M. Cambon very confidentially on February 3 and 7 that "up to the present the German proposals are fairly vague", that Haldane was going to sound the situation, and that "in any case, I shall keep you posted." M. Poincaré in his memoirs says it was in *January* that the English informed the French of the Anglo-German naval negotiations. Did he make a slight slip? Or was the communication made verbally in Paris? Or have the editors omitted an earlier despatch from Cambon in London? We have noted several other instances in which M. Poincaré refers to documents which do not appear in this collection.

The Morocco Agreement was a tolerably fair compromise settlement, and naturally enough, therefore, was bitterly denounced by the chauvinists in both Germany and France. In Germany the Colonial Minister resigned at once, and the discussion of the terms in the Reichstag was the occasion for a demonstration by the Crown Prince. In France the cabinet was much worried as to how it would be received by the Chambers when presented for ratification. It still remained to secure the assent of the other Signatory Powers. Belgium hesitated for a long time, because she was alarmed as to the effect of certain clauses on the Belgian Congo. Austria tried, but in vain, to extort as the price of her assent the listing of Austrian and Hungarian bonds on the Paris Bourse; but the French government refused to make any promises, fearing that any such loans might be used to strengthen Austrian armaments. Spain had to be

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mollified by a supplementary agreement safeguarding her interests in the Riff and establishing an international control over Tangier.

In the Kiderlen-Cambon discussion during the Agadir crisis, it appears that Kiderlen at first hinted at Germany's being given Mogador in West Morocco by way of compensation. But in the later negotiations and final agreement he abandoned all thought of West Morocco and was satisfied with a large slice of the French Congo. Desiring to conceal the fact that he had at first hinted at Mogador, he asked Cambon to omit that part of their negotiations from the Yellow Book which was being prepared for publication. Cambon naturally refused at first, but finally consented to soften "Mogador" into "a sea-port in Morocco." The incident is interesting because it seems to confirm the allegation of certain Pan-German journalists that Kidelen had assured them that he would get a slice of Morocco out of the Agadir affair, and also because it shows how pre-war documentary publications were sometimes "edited."

Hardly had the Agadir excitement begun to subside, when Italy startled Europe by declaring war on Turkey and seizing Tripoli. This gave rise to a whole train of dangerous diplomatic problems which run through the volume. The controversy growing out of the Italian arrest of the *Carthage* and *Manouba*, French ships charged with unneutral acts, was inflamed by French and Italian journals, but was wisely turned over to the Hague Court for arbitration. Izvolski seized the occasion for a new effort to open the Straits for Russian warships; Charykov, the Russian ambassador at Constantinople, acting upon instructions which were later disavowed by Sazonov, opened secret negotiations with the Porte which alarmed all Europe. When the truth began to leak out, Izvolski's effort had to be abandoned, and Charykov was recalled and made the scapegoat. In this case, and in several ill-timed sudden proposals for intervention in the Turco-Italian War, Russia acted inconsiderately without first coming to a full understanding with her French ally, thus causing deep concern at the Quai d'Orsay. The Turco-Italian war also revived the chronic Cretan question, and stirred a new ferment in the Balkans, where the Balkan League was already being formed, though none of the Great Powers, except Russia, were as yet aware of this new explosive combination. Meanwhile, in Asia, Russian aggressive action in Persia, and the Chinese revolution and overthrow of the Manchu dynasty, added further complications for the European Powers. All these things are mirrored in these French

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documents. They contain no very startling revelations, but they throw a welcome light on many matters of detail. In spite of a good deal of chauvinism in the French press, the French cabinet appears to have been pursuing on the whole a restraining influence in the interests of peace.

SIDNEY B. FAY

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*Investments of United States Capital in Latin America.* By MAX WINKLER. Boston, World Peace Foundation, 1929.—xxiii, 297 pp. $2.00.

In this volume Dr. Winkler has assembled the largest and most recent accumulation of data on his topic. It is evidently the result of careful inquiry and shows painstaking effort in the collection of materials. There is a foreword by the Honorable Leo S. Rowe, Director General of the Pan-American Union, and fourteen valuable appendices, chiefly statistical.

After the introductory chapter dealing in a general way with investments in Latin America, the author gives an interesting survey of Latin-American economic life. There follows an excellent chapter which presents the general features of international investment, a chapter which has been added to Dr. Winkler's original manuscript. Unfortunately its authorship is not indicated although a footnote explanation suggests to the reviewer that it may have been written by Dr. Denys P. Myers. Chapter iv is the last and the longest. In it the author gives in great detail and by countries the investments of American capital—first in South America and second in the Caribbean area. Throughout the volume, much of the most valuable information has been arranged in tabular form.

There is only a moderate amount of interpretation of the facts. Chapter iii has already been mentioned, and in the opening chapter Dr. Winkler makes a number of comments. Many suggest themselves, however, and a few may be stressed. First is the impossibility of tracing in any precise manner the relationship between investments and trade. There is some connection, as is indicated here and there by the author, but the response of trade to the placing of loans is not of necessity an immediate one and the amount of resulting trade is by no means exactly equal to the investment. There are all of the delays and friction mentioned (chap. iii, especially pp. 46 *et seq.*) and others as well. Many facts are not known and often cannot even be found. Borrowed funds are at times not used for purchases

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in the lending country but are retained as working balances, for refunding and for other purposes. Often too the funds are used for purchases elsewhere than in the lending country and the resulting trade is triangular rather than direct. These considerations seem to make superfluous calculations of the relationship between American investments in South America and trade balances (p. 6). This is the more true when we remember the extent to which interest on foreign investments is reinvested either in the country where it is earned or in some other foreign area.

A second comment that may be made is on the importance of viewing our economic relations with Latin America with a proper amount of perspective. Our trade with the countries to the south is not so large as that with other continents nor has it grown so rapidly in post-war years as our trade with other areas or our total trade. Our interest in it lies in the fact that as yet Latin America is not fully developed and any addition to trade, even though relatively small, is important. On the other hand our investments may have disconcerting results. They may be used in part to develop local industries which will demand and secure protection from foreign competition including that from the United States (pp. 28, 29).

It is regrettable that such studies as that of Dr. Winkler must be presented from a national standpoint. He is entirely free from a nationalistic bias and has met a real need through this study. Nevertheless a statement of the investments by the nationals of any one area, e. g., the United States, in politically foreign territory at once raises the issues that the Calvo and Drago doctrines were designed to solve (chap. iii, pp. 55 *et seq.*). Unfortunately we do not seem to have reached the stage where political pressure will be abandoned. Bankers' consortiums have done much and perhaps the time will come when political pressure, if applied at all, will come through an international decision such as that of the United States and the A B C group in Latin-American affairs.

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*State Banks and the Federal Reserve System.* By CHARLES E. TIPPETTS. New York, D. Van Nostrand Company, Inc., 1929. —viii, 393 pp. $4.00.

This book is another and a useful addition to that growing number of books describing in some detail various phases of the operations and relationships of the Federal Reserve System. Dr. Tippetts

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concerns himself with three major questions: membership, par collection and branch banking. The first of these topics is most fully treated and the last rather sketchily. The book presents facts readably and simply and is based evidently upon a careful review of the available documents and in addition consultation with officials of the Reserve System and others in a position to be helpful. While the book is largely a review of developments and statement of facts the author's reactions are at times stated and add to the value of the book.

The author finds the principal obstacle to further extension of Federal Reserve membership among state banks in the fact that non-members now enjoy through their city correspondents most of the advantages of membership. Moreover the reductions in reserve requirements which the Reserve System gave to member banks, justified by the concentration of reserves, were soon followed by similar or even greater reductions granted by state legislatures to state non-member banks.

This goes to the core of the whole problem of Federal Reserve membership. There is nothing to be gained in handing out sugar-plums to member banks in the form of participation in Federal Reserve earnings, some form of reduced reserves, or other attractive sweetmeats as long as state legislatures are eagerly waiting to over-bid the Congress by some local donation to non-member state banks.

Dr. Tippetts points out that about one thousand member banks have failed since 1920 and asks whether more stringent supervision of the 700 failed national banks in particular might not have prevented some of the trouble. He answers the question thus:

> A severe tightening of banking standards in the Federal Reserve System would probably drive out a large number of the present members, because they could in many cases operate under state laws much more profitably. Until the various states take appropriate measures to secure higher standards of banking ability and practice it is difficult for the Federal Reserve System to accomplish much more than it has already done in this respect (p. vi).
>
> . . . It is impossible to create a unified banking system of high standards and sound banking practices as long as each state tries to build up its own banking system at the expense of the national bank (p. 2).

It would of course be easy to overrate the importance of this problem. The third of the country's banks which belong to the Federal Reserve System controls over three-quarters of the country's banking resources, and this proportion is growing, not shrinking. As Dr. Tippetts suggests, the Reserve System would not be much strengthened by the addition of thousands of small weak state banks.

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The gain to be hoped for is that these banks might be somewhat strengthened by membership. But the only incentives that will bring these banks in as members are first, such modification of state banking laws as will make membership financially more attractive and penalize nonmembership, and second, a recognition by the depositing public that membership is a hallmark of quality.

W. RANDOLPH BURGESS

NEW YORK CITY

*Bankers' Balances: A Study of the Effects of the Federal Reserve System on Banking Relationships.* By LEONARD L. WATKINS. Chicago, A. W. Shaw Co., 1929.—xvi, 429 pp. $6.00.

Professor Watkins has written an interesting account of the development, under our banking system, of relationships between banks. The subject covers an important phase of central banking—one which ought to have been studied with attention for long years past, but in which we had made little progress prior to the adoption of the Federal Reserve Act. Since the passage of the latter measure, it has, perforce, received a good deal more attention. Such attention, however, has been principally given to it by economists and students, rather than by practical bankers, much less by the officials and authorities of the Federal Reserve System. The subject has remained a field in which there was much controversy, a good deal of unfounded assertion, and an immense body of conflicting conclusions.

Mr. Watkins has thus devoted himself to a significant field of inquiry. What he is fundamentally concerned with is the use made by the banks of the country of their surplus or reserve funds—funds which they do not find it necessary to retain in their own vaults, and which they may therefore carry with other banks at will. Such balances are partly, of course, under the requirements of our law, carried with the Federal Reserve banks. It has however turned out, contrary to the expectation of a great many so-called practical men, that the smaller banks of the country, instead of being diverted from their allegiance to city correspondents, have, on the contrary, been strengthened therein. They have deposited funds with Reserve banks because they were compelled by law to do so. But they have gone on depositing other spare funds with correspondent banks, and entrusting to the latter the management of their surplus resources because they found it more convenient to do so, and because the Reserve banks did not hold out to them the services which they were permitted by law and by the rulings of the Reserve Board to furnish.

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It is well that the author has begun his study by making a statistical review of the interbank deposits that existed before the organization of the Reserve System. He traces the factors which led to concentration of funds in New York, and then he reviews the circumstances which, during and after the panic of 1907, tended to disperse them for the time being. With this as a background, he turns to the Federal Reserve Act and its objects, one of which he describes as having been fundamentally to reduce the balances with correspondents. He has no trouble, then, in showing that this expectation, if it existed, was certainly not realized; or, if realized in some measure, was realized by a route very different from that which had (he supposes) been contemplated by the framers of the Federal Reserve Act.

Having shown conclusively that the Reserve Act by no means succeeded in shifting the funds entirely out of the hands of the city correspondent bank, he takes up the question whether there is a good reason for the maintenance of "excess" balances in this way, and if so what ground may be assigned for keeping on with a plan in which the divorce alleged to have been sought as between the Federal Reserve System and the security market has not been consummated. This naturally leads Mr. Watkins to a discussion of the various functions or services that may be performed by bankers' balances, and he therefore reviews in separate chapters such topics as clearings and collections, interbank borrowing, indirect investment (in securities, or otherwise) and a few other matters of relatively less importance. He is finally led to a sketch of "banking policy" and the way in which it has been affected by the Reserve System.

The author's plan is thus seen to be a simple, straightforward and natural one. He evidently writes without any definite bias. His data are chiefly drawn from familiar government sources: as, in ordinary circumstances, they must be. What he has done has been to take the statistics made accessible in such publications as the *Federal Reserve Bulletin*, the *Reports of the Comptroller of the Currency* and others, separate them into their component parts, analyze them, and present the results in fairly readable form. This is an unquestionable service, one not performed by any preceding writer, certainly not in any such extended and careful way, and one which therefore should be regarded as a genuine addition to the literature of the subject.

While rendering this full recognition of the contribution furnished in Mr. Watkins' book, it should however, be definitely noted that he

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has made only a beginning in the field and that the data that are needed for a correct appreciation of the actual truth with regard to present application of our bank funds are not available to the student. It may well be doubted whether they are just now available, in satisfactory form, to anyone. The whole subject with which he is dealing has been under advisement in official quarters, not quite continuously but very nearly so, since the organization of the Reserve System. Great quantities of data have been assembled, but they have always been found wanting in essential particulars, and there is no element in the system which has had the courage or the persistence, even with the unlimited resources at command, to go to the root of the matter and find out the facts—much less to apply a corrective to conditions which are seriously impairing the working of the system.

In spite of this limitation upon his work (for which he is no way responsible), Mr. Watkins, with the resources at his command, has provided a very fair sketch of the entire situation and of some of its problems. What then does he conclude with reference to the case as it stands today? In his final chapter he asserts that the Federal Reserve System was expected by many to "end the maintenance of large bankers' deposits and the underlying correspondent relations". This expectation, by whomever entertained, was certainly not the belief of those chiefly responsible for the Federal Reserve Act. Their main effort was to bring about nothing more than a distinct separation between funds used for the maintenance of the liquidity of the banking system of the country and hence to be invested only in liquid forms, and other funds carried by the banks, in their discretion, as secondary reserves or for the express purpose of financing speculative and long term operations. The Reserve System has failed (perhaps intentionally) in accomplishing this object. One main object of a study like that of Mr. Watkins should be to show why such a conclusion should have been arrived at without serious protest, and in what respect, if any, the existing reserve situation differs from that which existed prior to the adoption of the measure. Mr. Watkins, however, seems more interested in demonstrating the fact that this alleged object of the Reserve Act (the diminution of balances of correspondents) has not been accomplished, and in showing how the balances actually are being used today, than he is concerned to indicate the character of the situation from the standpoint of actual financial conditions or policies. Viewed in this way, his final chapter appears to be a misnomer. It is rather a summary of facts than a discussion of banking policy in the broader sense of the term.

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Perhaps the most severe criticism upon this essay is thus found in its failure to make any positive application of the facts and figures which it develops. The author is inclined to accept rather uncritically various conventional explanations of recent Reserve policy. An example of this disposition may be noted in his remark that a more rigorous discount policy "must have brought a larger influx of gold to the United States, and have further delayed the re-establishment of the gold standard in those countries striving to escape from the vicious circle of fiat money". There is no warrant for such an assertion. He adds that the problem of surplus funds in the banking system "must be solved in much the same way as it arose, through a redistribution of our gold holdings". Now, of course, it did not arise in any such way as is thus intimated, since he has himself shown that it started long before the war or the Federal Reserve System. The very policy which he describes, however, renders it next to impossible to redistribute our gold holdings, as long as that policy is maintained. This view, in fact, ignores the whole problem. No reasonable man objects to the proper financing of the security market, or even to its liberal financing. The question at issue is how to maintain an unquestionably liquid condition in our banks, and the gravest criticism upon the present arrangement of reserves is furnished by the fact that we have had 5,000 bank failures, a large proportion of them due to mere "freezing" of assets, while the "frozen" condition of the banks throughout great areas is today notorious. After sixteen or seventeen years of Reserve banking, our banking system is in many respects worse off as to liquidity than it was at the beginning of the undertaking. This does not minimize the genuine work that the Reserve System has from time to time accomplished, or the services which it has rendered; it merely admits the fact that it has not recognized a problem to which Mr. Watkins' book relates—that of providing an unquestionably liquid backing for bank deposits.

Perhaps Mr. Watkins has intentionally chosen not to enter into those phases of the subject which necessarily involve criticism of policies already pursued by our central banking system. He has the right to limit the scope of his investigation as he chooses. An appraisal of his work, however, necessarily leads to a conclusion that, in this particular, it is incomplete or immature, and that its principal value is thus found in the fact that it may serve as a foundation for some other and more fully developed study. This criticism does not diminish the usefulness of the book as far as it goes. It is a

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conscientious and well balanced analysis, and in so far as the author has chosen to make application of his findings, his conclusions are frequently of very genuine value. Banking discussion in the United States is rapidly moving away from the dogmatic pre-scientific form of older days with constant references to "sound" currency and "scientific" banking and is passing into the newer phase of realistic analysis. This volume definitely belongs to the newer school of thought and deserves a creditable place there.

H. PARKER WILLIS

*Porto Rico and Its Problems.* By VICTOR S. CLARK and Associates. Washington, The Brookings Institution, 1930.—xv, 707 pp. $5.00.

That the people of the United States should develop a lively consciousness of Porto Rico and its problems is highly important. Our treatment of Porto Rico is a test of whether we are fit to govern any people of a retarded culture or are competent to amalgamate such to our own culture standards and political system. Porto Rico offers about as promising an opportunity as could be found. The Porto Ricans constitute a small, compact, unified body of people with European cultural background, situated near the mainland, with a fertile and attractive habitat. The one great drawback is that the island is greatly overpopulated and consequently the standard of living is very low compared with that of the mainland. In other words, the problems of Porto Rico, so far as it presents any problem different from the political problems of the mainland, are essentially economic or at least politico-economic.

The appearance of *Porto Rico and Its Problems* is most timely. This volume is the product of the investigations of the conditions in Porto Rico by a group of experts under the auspices of the Brookings Institution of Washington. The editor as a former Commissioner of Education in Porto Rico and as the former editor of the *Living Age* dealing with international situations, was well prepared to direct these studies. The staff members were similarly qualified in their special fields, though few knew Porto Rico from previous experience.

I have heard the volume criticized by Porto Ricans as being unsympathetic and as not taking sufficient account of the Porto Rican point of view. As the volume is read by one familiar with Porto Rico, but again an outsider, this criticism does not seem justified. It is factual—perhaps harshly so. But what the American people need to have about Porto Rico is facts, not emotional

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appeals. It is worth while taking the space to enumerate the titles of the nineteen chapters in order to demonstrate this truth as well as to give an indication of the scope of the book. I, The Island and Its Resources; II, Workers in Country and in Town; III, Public Health; IV, Education; V, Government Organization; VI, Public Expenditure and Revenue; VII, Taxation; VIII, Tax Appeals; IX, Distribution of the Public Revenue; X, Financial Control; XI, Public Debt; XII, Public Personnel Administration; XIII, Public Works; XIV, Banking and Credit Facilities; XV, External Trade and Financial Relations; XVI, Commercial Organization; XVII, Manufactures; XVIII, Agriculture; XIX, Economic Betterment.

Each chapter offers a thorough factual study of the appropriate topic. Though, no doubt, numerous minor errors are to be found, as is certain to occur in so extensive a survey, the only bases obvious to the reviewer for the local criticism that the entire study fails to take the local point of view sufficiently into account are: first, purely incidental statements which indicate that the writer is foreign to the situation, such as frequent reference to the "bark" of the palm trees as common building material; second, the objection on economic grounds to the export tax on sugar, and thus seemingly a defense of foreign economic "exploitation"; and, third, a failure to recommend simple, all-inclusive cure-alls such as have popular political appeal in the island. In place of these the commission offers more than two score specific recommendations, most of them involving legislation A detailed analysis is given of the specific recommendation with indication of the authority—federal, insular or local, or private interests—upon whom the recommended change depends. There can be no serious criticism of the analysis of the problem, massing of the facts, definiteness of recommendation, indication of authorities responsible for or competent to make the reforms.

The remark that there can be no criticism of the analysis of the problem, does not, however, preclude a divergence of views concerning the fundamental problem. The reviewer has a conviction that the remedy that is stated incidentally several times in several chapters of the volume, should have been stressed and made clear to the responsible authorities. The obvious evils of Porto Rico are overpopulation, low subsistence level, malnutrition, inadequate food supply and unsatisfactory economic conditions in general. The remedy popular for long past has been the encouragement of emigration, usually through government assistance. As is pointed out in the volume, emigration has never solved the problem of over-

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population in any part of the world. Among other palliatives are the increased attention to local food crops, industrialization, food doles, sanitation, etc. Just now a great campaign for funds is being put on in the mainland for assistance in such efforts.

The real and only remedy, in the opinion of the writer, is stated by inference many times, that is, a higher standard of living, "the craving for better things". As the closing sentence of the volume states, if this craving "can be communicated to all the people by the precept or example of their leaders, the material progress of the Island will be steadily promoted." This means a craving for better houses, for better clothes, for shoes, for better health, for comforts of the home, for amusements and for the endless variety of things which modern civilization means. Only thus can there be brought about the lowering of the birth rate, the control of population, which underlie the rise in wage income and in the standard of living. Thrift, higher wages, land or garden plots for workers, factory or household labor, industrialized labor, the various palliatives recommended through this volume alone or together will not do this. Back of these must be an education to create this "craving for better things", an education through the schools, the newspaper, the radio, through the leadership of local political leaders, and of the responsible mainland authorities.

PAUL MONROE

TEACHERS COLLEGE, COLUMBIA UNIVERSITY

*The Philippine Islands.* By W. CAMERON FORBES. Boston and New York, Houghton Mifflin Company, 1928. 2 vols.—xiv, 620; vii, 636 pp. $12.50.

The author of these two interesting volumes served an apprenticeship of several years as a member of the Philippine Commission before he became governor general of the Philippine Islands. His term in the latter office was rudely ended in 1913 in consequence of the appointment by President Wilson of Francis Burton Harrison as his successor; and the following years witnessed almost a complete upheaval in the government of our Far Eastern dependency. During the term of Mr. Harrison, not only were Filipinos given a preponderating voice in the administration of the government, but a new organic act was enacted by the Congress of the United States (1916) which radically changed some features of the old organic act of 1902. These years witnessed also the rise to greater prominence of the Filipino politician, which had been foreshadowed by the creation of

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the Philippine Assembly (1907). This rise, it must be noted, was aided not only by the acquiescence of Governor Harrison, but also by the basic structure of Filipino society—a structure which had been observed, indeed, by the earliest Spanish colonizers and which in essence has remained a force always to be reckoned with. This is the innate respect of the Filipino toward a superior of his own race, whether in family, social rank or governmental position. It has been variously denominated *patria potestas*, caciquism, or bossism—the latter not unknown in the politics of the United States.

The Harrison régime, generally called a period of decline by Anglo-Americans, but a period of construction by Filipinos, was itself halted by a change of political control in the United States. There followed, after a study of the situation (embodied in the Wood-Forbes report), the period called by Governor Forbes (and viewed from the Anglo-American angle) the period of rehabilitation under Governor Wood and his successors.

The above short statement is the setting, as this reviewer sees it, of the present work. In writing his volumes, Governor Forbes has actually touched upon six different régimes in the Philippine Islands, namely, the Spanish period (very lightly and inadequately, although it must be confessed that it was not the purpose to do more), the overthrow of Spanish authority, the period of American military occupation, the civil government under Taft and his four successors (during which period the Philippine Assembly was created), and the two periods mentioned above. In the course of his work he has given an excellent account of the several agencies of government and their functions. He has drawn heavily from the journal which he kept religiously during his stay in the island. Students of politics would wish to have the journal published *in toto*, but this is probably asking too much as yet, for doubtless Forbes made many entries that it would be indiscreet to put into cold type for many years to come. But the hope is cherished that this interesting document will eventually find a resting place in some archives where in future ages it may be consulted freely.

Throughout the volumes, the author has paid considerable attention to the political side of the history since 1898 and his observations should have careful reading by the political scientist. The volumes are, however, on the whole, rather a straightforward narrative than a philosophical treatise, although at times one finds statements of deep insight. Perhaps the most interesting chapters are those on political parties and rehabilitation.

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Notwithstanding the rather cavalier treatment that he received at the end of his term of office, Forbes has maintained a restrained tone, although one seldom forgets that the volumes are in a sense a vindication of his wardship. In his treatment of government agencies, the work is uneven, and in much the narrative reminds one of a government report. There are many points on which the reader would like fuller information. Financial matters do not receive the attention they deserve—indeed a volume might be written on them alone. Judicial matters, likewise, are inadequately treated. One is inclined to question why Governor Forbes has given little or no attention to certain of the higher officials in the government. He has not magnified himself, but perhaps he has seen some of the officials in a magnified perspective—a very common failing.

In the writing of his volumes Forbes had considerable assistance from Frank Carpenter, for over twenty-five years an efficient official in executive affairs, and one who knows well the history of the islands since American occupation. It is a utopian dream, but what a work we should have if Forbes and Carpenter had written down unreservedly what they know of the years of American occupation.

A few errors in the early history have been noted and the reviewer cannot always agree with the viewpoint of the authors. The bibliographical list appended to the work is uneven and inadequate, but the index is creditable. In volume II are given the most important of the basic documents treating of the Philippines since 1898, and a careful study of them will materially add to the reading of the text. While the work is by no means a definitive treatment of the Philippine Islands since American occupation, no student of Philippine affairs can fail to give it a careful reading. One result of such a reading may be the hope that the government of the United States will adopt a consistent and continuous policy toward the Philippine Islands, or, if this country is unwilling or unable to do this, that immediate independence may be granted to the islands and the confession made that we have failed in our obligations.

JAMES A. ROBERTSON
JOHN B. STETSON UNIVERSITY

*Principles of Judicial Administration.* By W. F. WILLOUGHBY. Washington, The Brookings Institution, 1929.—xxii, 662 pp. $5.00.

In the words of its author, this volume "has for its aim to subject the whole problem of the administration of justice, as it confronts the United States, to critical examination for the purpose of making

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known the nature of this problem and means by which it can best be met." It is one of a series of studies dealing with public administration published under the auspices of the Institute for Government Research, of which Dr. Willoughby is the director. It contains a detailed description of American legal institutions and a critical survey of the operation of the machinery for enforcing both the civil and criminal law, along with numerous concrete suggestions for the betterment of existing conditions.

Because of its service in assembling in one connected whole a considerable body of information dealing with the challenging subject of law administration, Dr. Willoughby's book will unquestionably prove of great value to students of law and politics. It does not, however, purport to set forth the results of any independent investigations upon the part of its author or of the staff of the organization which he directs. Those who are interested in exploring new avenues of approach to the various topics selected for consideration, or who are in quest of fresh sources of information, will not find them here. They will find instead a convenient summary, presented in clear and orderly fashion, of very much that is contained in numerous specialized treatises, reports of governmental commissions, surveys conducted by research foundations, articles in legal periodicals and the like. They will find judicious discussions of many current proposals for reforming legal procedure and administrative practices, together with careful analyses of divergent points of view and well-reasoned arguments which indicate the author's own convictions concerning the utility of these innovations. They will have at their disposal copious quotations from recognized authorities and manifold extracts from the recommendations of investigating commissions.

The topics chosen for discussion are embraced in six principal divisions: (1) Prevention, which has reference to devices for curtailing litigation and includes the subjects of administrative adjudication, conciliation, arbitration, declaratory judgments and advisory opinions; (2) Enforcement, which contains discussions of the prosecuting office, police administration, the coroner, the grand jury, and the differences between the accusatorial and inquisitorial systems of law enforcement; (3) Judicial Organization, in which are considered such important reforms as the unification of the system of state courts, judicial councils, small claims courts, juvenile and domestic relations courts, the business administration of courts, and the abolition of justice of the peace courts; (4) Judicial Personnel,

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which covers methods of selecting and removing judges, their tenure of office, and the necessity for an adequately trained and public-spirited Bar; (5) Procedure, in which is included such topics as the legal basis and force of rules, the preparation of the case, the rôle of the judge at the trial, the production of evidence, the petty jury, appeals, sentence and bail; and (6) Legal Aid, with discussions of provisions for meeting court costs, the office of public defender, and the work done by public and private legal aid societies. In treating such a wide variety of topics the author has been forced to limit his discussion to fundamentals. Thus, the increasingly important subject of sentence in criminal cases (including such matters as probation, parole and psychopathic clinics) is covered in twenty-eight pages. The emphasis, however, is in the main properly placed, and few, if any, subjects of major importance have been overlooked. Most of the material upon which the author relies is of recent origin, and the book contains an extensive bibliography.

Despite its indubitable merits, a careful reading of Dr. Willoughby's book discloses several statements of fact which are open to question. For example, in making the sweeping observation that "in no case, so far as investigation has thus far disclosed, has there been found a prosecuting attorney's office in which even the most elementary principles of business organization and procedure are observed" (p. 136), the author has apparently failed to consider the favorable judgment of so competent and unbiased an observer as Professor Raymond Moley with respect to the business organization and equipment of perhaps the largest prosecuting office in the country, that of New York County (*Politics and Criminal Prosecution*, pp. 62-65). It is stated (p. 502) that "Maryland and Connecticut are probably the only states where the accused is permitted to waive the use of a jury" in felony cases. In point of fact, statutes sanctioning waiver in such cases have been enacted in several other states, including Indiana, New Jersey, Wisconsin and Michigan. The governmental device provided for in the original drafts of the constitutions of Arizona and New Mexico which occasioned President Taft's veto of the statehood resolution was the recall of judges and not, as stated, the recall of judicial decisions (p. 397). The assertion that "the common law makes no distinction between the right of a public officer and a private individual to make an arrest" (p. 198) is not strictly accurate, in view of the rule that if the private person arrests on suspicion he runs the risk of a suit for false imprisonment unless the offense was, in point of

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fact, committed by some one, whereas a police officer is justified in taking such action if he has reasonable grounds of suspicion, even though it subsequently appears that the defendant is innocent or that no offense was committed. The author's statement that it was "not until 1879 that England made provision for the office of public prosecutor" (p. 94) might lead some to believe that use is made in that country of local prosecuting officials analogous to American district attorneys, whereas in fact the Director of Public Prosecutions conducts a very small number of criminal prosecutions in comparison with the total number of indictable offenses disposed of in the English criminal courts. (See *Criminal Statistics for England and Wales*, 1927, pp. 98-101). And in view of the extensive powers and functions of the Home Office in the field of English criminal law administration, exception may well be taken to the statement that the Lord Chancellor "more than anyone else, has the duties of a minister of justice" (p. 125).

Many students of political science will hesitate to accept Dr. Willoughby's views as to the superiority of the inquisitorial, or continental, system of criminal procedure without a much greater amount of convincing evidence than he presents. Not a few lawyers, moreover, will also dissent from his conclusion that the right of appeal from determinations of fact should be materially curtailed (p. 517). It is frequently argued, on the contrary, that a more satisfactory approach to the problem lies in eliminating (by means of various devices mentioned in this volume) the less important facts before trial, and then granting the appellate court broader powers to review the more essential factual questions raised on appeal. The author's expressed views in this connection seem to be inconsistent with his argument in favor of making the hearing of the appeal partake of the nature of a retrial (pp. 530-32).

The criticisms set forth in this review should not be taken to imply that the reviewer minimizes the importance of a volume which has manifestly entailed much laborious preparation, and which is, on the whole, both penetrating and dispassionate. It is clearly and effectively written and contains carefully selected references to a large amount of material which can profitably be used as a basis for further investigations in more restricted phases of the subject. It promises well for the future of the study of the administration of justice in the United States.

PENDLETON HOWARD

UNIVERSITY OF IDAHO

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*The American Secretaries of State and Their Diplomacy.* Edited by SAMUEL FLAGG BEMIS. Volumes VII-X. New York, Alfred A. Knopf, Inc., 1928 and 1929.—ix, 341; x, 367; ix, 428; ix, 484 pp. $4.00 each.

To the citizen chiefly interested in the background of contemporary policy, the closing volumes of this series represent its climax. The Department of State continued its liberality in granting access to its files up to very recent times, and even the concluding sketches bear internal evidence of authoritative composition. The volumes here reviewed survey the period from the outbreak of the Civil War through the administration of Secretary Hughes. Always the reader is taken rather intimately into the confidence of his government, for while the publication is strictly unofficial, it could not have attained the standard that it does without the government's coöperation.

An important study is that of William H. Seward. His embarrassment at the surrender of Fort Sumter, in violation of what amounted to his personal pledge, is vividly set forth. Seward's stand on privateers and the Paris Declaration, his increasing mastery and the cool courage that replaced an earlier jingoism, the constant pressure upon Europeans not to recognize the South, and the domestic political situation behind the *Trent* Affair, are competently treated. His "extra-curricular" activities, if one may call them such, and the feud with Chase are here compactly stated. In the issue of the *Laird Rams* and the *Alabama*, Seward, with Adams, is represented as the guiding hand. The author, Dr. Henry W. Temple, finds the Civil War his chief concern. French intervention is a corollary. Imperialism, particularly its expression in the Orient, is not ignored, but is allotted possibly too brief a space, for it is constructive work, done largely under Johnson, that entitles Seward to rank as a creative statesman.

Elihu B. Washburne, with an incumbency of five days, and Hamilton Fish, actual Secretary under Grant, are treated by Dr. Joseph B. Fuller of the Department of State. Fish brought to his office a dignity and conservatism much needed at the time. Overcoming various obstructions, both British and American, he erected in the Treaty of Washington a landmark on the path toward peace. In the *Virginius* Affair he worked for similar ends, while within the department he effected needed changes.

To Claude G. Bowers, editorial writer and publicist, particularly

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felicitous in his personal characterizations, falls the sketch of William M. Evarts. A Cicero in legal erudition, the Secretary is portrayed as one who brought rare wit to the lighter aspects of diplomacy and much shrewdness to its more serious problems. The Fenians, the Halifax Award, the French in Panama, extraterritoriality in Japan, outrages on the Mexican border, protection for American Jews in Russia, were within his purview. But his highest credit was the frank and honest handling of Chinese immigration as it affected California.

Blaine, too, affords to Dr. Joseph B. Lockey an opportunity to analyze a great personality. His reputed anti-English bias is confirmed as respects the "War of the Pacific", but on Irish-American issues he is represented as in no sense a blusterer. Good relations between the two Americas were his principal objective. Of the ill-starred Trescot mission, the author says, "It is difficult to escape the conviction that the object was to expose Blaine—to discredit him before the American people." On the Mulligan letters, judgment is reserved.

The sketches in Volume VIII are of Frederick T. Frelinghuysen, by Professor Philip Marshall Brown; of Thomas Francis Bayard, by Dr. Lester B. Shippee; the second term of Blaine, continued by Dr. Lockey; the brief incumbency of John Watson Foster, by William R. Castle, Jr., Assistant Secretary of State; and finally of Walter Quintin Gresham and Richard Olney, by Montgomery Schuyler, formerly of the United States diplomatic service.

The natural sympathy of the authors for the men they study brings out some differences in estimates. Frelinghuysen, for example, fares more charitably at the hands of his own biographer than in the occasional allusions to him by an apologist for Blaine. If his treatment of Trescot was shabby, it was measurably offset by a premature but honest effort to modify the Clayton-Bulwer Treaty. He scarcely appreciated the importance of Shufeldt's expedition and of the Far East as a whole; but was more aware of Hawaii than were his predecessors. The economic aspects of diplomacy were not ignored. A competent administration, on the whole, but not distinguished.

The economic *motif* for diplomacy found expression in Bayard's term in the North East Fisheries problem, and increasing depredations by Canadians in Behring Sea. Bayard is represented as an Elder Cato, opposing innovation. He persistently opposed his country's entry to a wider place in world affairs.

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The imperialist, James G. Blaine, is a more arresting figure. In this, his longer term, deserved emphasis is placed upon his protective efforts for the seals. The author apologizes, one feels unnecessarily, for the high tone adopted by the Secretary toward the seal-raiding powers. Posterity will surely not condemn the use of any weapon Blaine could find against such pillage. If brutality had law upon its side, more power to the crusader! In the Pan-American Conference, Blaine reached his apogee as a path-finder in Ibero-American relations.

The seals continued as the prime concern of Foster, Blaine's successor, who at the same time sought to accomplish the annexation of Hawaii before the Republicans abandoned office.

Few sketches in the series reveal more clearly their author's personal bias than do those of the two secretaries in Cleveland's second term. Gresham is almost bitterly condemned for his "negative Hawaiian policy", so opposed to all the tenets of imperialism; whereas Olney is lauded for his vigorous pronouncements in the Venezuelan incident. The author's positive convictions lend piquancy to his comments.

Volume IX opens with a sketch of John Sherman, briefly summarizing the Secretary's motives for accepting the portfolio, and tentatively evaluating his influence on his own department. His successor, William Rufus Day, is studied jointly by Professors Lester B. Shippee and Royal B. Way. The war with Spain imposed a burden on the department not diminished by the unexpected promptness of the victory. Day is represented as a competent administrator, an imperialist in full sympathy with America's new trends. Yet his actual influence upon events is but little less uncertain than was Sherman's.

John Hay, with a term of almost seven years, receives, at the hands of Dr. A. L. P. Dennis, but twelve more pages than were allotted Day, striking evidence of his rating with the editors. Versatile and able though he was, he was nervous almost to the point of neurasthenia, and there were stronger men above him. Primarily an Anglophil, he occasionally saw Britain's faults. A good hater, he thoroughly disliked the Germans, yet treated them with courtesy. Though not precisely the originator nor sole sponsor of the Open Door, he did notable work on its behalf. In the Canal Treaties and Panama, subject to senatorial correction, he conducted a great negotiation, followed by concurrence in the overhasty recognition of the Panama Republic.

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In the Alaskan boundary negotiation, Hay was a follower, not a leader. In the second Venezuelan episode his rôle was equally subordinate, for Roosevelt was his own Secretary, no matter how distinguished the nominal incumbent.

Elihu Root is competently treated by Dr. James Brown Scott. Toward the Algeciras Conference, the Congo settlement, and Pan-Americanism, he made important contributions. Negotiations with Colombia, arbitration of the North Atlantic Fisheries, reorganization within the department, were among his tasks. The rather weak handling of the Japanese school question in California was more Roosevelt's than his, for on general policy Roosevelt was still the master, whereas in his special legal field, as in the constitution of a court for Central America and in the general work of arbitration, Root was more a factor than Hay had ever been.

His successor, Robert Bacon, January 27 to March 5, 1909, wound up unfinished business, and proposed an international conference on American resources. A promising idea it was, but here the matter dropped.

Philander Chase Knox is described by Dr. Herbert F. Wright as close to Taft and very influential. "Dollar diplomacy" he defended as useful to humanity. He opposed the dismemberment of China, and fostered loans by an American consortium. His policy in Central America was imperialistic. He witnessed (1911) the first equitable settlement of the seal fisheries disputes. No troubles with any power were pending when his term expired. On the score of personality the sketch is of unusual interest.

The anonymous author of the sketch of William Jennings Bryan, in Volume X, deals kindly with his subject, noting his efforts on behalf of peace, his opposition to "dollar diplomacy", and his policy regarding Mexico. In the World War, he strove to equalize the protests of America against both belligerents, not fully mindful of the distinction between life and property. Confronted with the *Lusitania* outrage, his philosophy left no choice but resignation.

The President feared originally that Robert Lansing would not be independent—an irony that Dr. Julius W. Pratt is quick enough to note. Equally pertinent is the observation that once we were committed to the war, our disregard of neutral rights exceeded even Britain's. War diplomacy is admirably surveyed, with perhaps a slight excess of leniency toward Wilson and the secret treaties. On the Lansing-Ishii agreement, the author holds with Professor William E. Dodd in his *Woodrow Wilson and His Work*. Lansing's

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part in the making of the peace, his vital differences and final parting with the President, recall a most dramatic chapter in our history.

Unusual literary merit characterizes John Spargo's sketch of Bainbridge Colby; also a boldness of utterance not universal in the series, as when the Roosevelt position in 1913-1914 is called "a carping partisanship capable of only one interpretation". Treating of one of the most striking and brilliant personalities in the series, the author puts in high relief his services to Wilson and the country. His policy toward Mexico was continued under Hughes. His conciliation of the South Americans was successful. But his greatest service, thinks the author, consisted in his bolstering of Western civilization against the challenge of the Bolshevists.

If Spargo is enthusiastic over Colby, Charles Cheney Hyde is almost panegyrical in his praise of Hughes. The latter's policy in the limitation of armaments and the Four Power Pact, toward modernizing the Monroe Doctrine, and toward peace in the Americas, is admirable. His views respecting the World Court, a mandate for Armenia, oil rights in Mexico, or immigration from Japan, are never other than correct. In arbitration as between Peru and Chile over Tacna and Arica, in graceful withdrawal from any project for an "Association of Nations", in real, if unofficial, support of the Dawes Plan, he is found always in the right, a great lawyer seated in an office for the practice of international law—a great Secretary too, despite this idealization of his portrait.

Thus ends a series of great usefulness, indispensable to the citizen who seeks fresh light upon his country's foreign policy. Its defects are few; its merits, many.

LOUIS MARTIN SEARS

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*A History of Modern Culture.* Volume I. *The Great Renewal: 1543-1687.* By PRESERVED SMITH. New York, Henry Holt and Company, 1930.—xi, 672 pp. $5.00.

For the title of this first volume of a comprehensive history of thought and culture in the modern era, Professor Smith has appropriately chosen Francis Bacon's phrase *Magna Instauratio*, since the rebirth of the scientific spirit was the chief intellectual manifestation of the century and a half from Copernicus's *De Revolutionibus* to Newton's *Principia.* Of course there is something arbitrary in the selection of any date for the beginning of modern thought. "The roaring loom of time weaves but one seamless web from which for

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purposes of examination a fragment must be torn." Professor Smith justifies the middle of the sixteenth century as his *terminus a quo* on the ground that about then such modern trends as the acceleration of wealth and population, the spread of knowledge through printed books, and the rise of a secular and scientific spirit began to make themselves felt in earnest.

The volume is divided into four parts. In part one the author traces the development of the natural sciences: astronomy, physics, chemistry, mathematics, geography, biology and anatomy. The humanities form the subject of part two, under the chapter heads of philosophy, political theory, historiography and biblical and classical scholarship. These historical and descriptive chapters are followed by the most valuable section of the book, entitled "Social Control": a critical exposition of theories of education, the potency of religion, the emergence of free thought and toleration from the obscurantism of superstition and the compulsion of persecution, and the spirit and authority of law. A fourth part is devoted to the spirit of the period as reflected in its morals and manners, its literature, and its art.

Every student of cultural history will acknowledge a debt of gratitude to Professor Smith for the masterly way in which he has handled the bewildering mass of material which he has collected in years of devotion to his task. The text of the book is furnished by the opening sentences of the chapter on education: "Over against the innovating forces of society, supplied by new inventions and discoveries altering the material and spiritual environment, all social institutions and arrangements stand in resistant conservatism. Partly as a matter of deep unconscious habit, partly in reasoned self-interest, every society, and particularly the ruling class in every society, dreads change and seeks to perpetuate the existing status in morals, politics and religion" (p. 315). Professor Smith commends disinterestedness: "The historian's function is not to award praise or blame, nor compassion and admiration, but to understand the social conditions which gave rise to the phenomena of a given process" (p. 450). Yet his praise and admiration for every innovator, for every bold critic of accepted dogmas in state, church, school and society are evident throughout the book. He is not only the historian but also the panegyrist of modern free thought. For example, he closes his eloquent appreciation of Montaigne's *Essays* with the observation: "For, not faith, but doubt, has liberalized and humanized the modern world. The force which has blunted the

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sword of the Crusader and thrown the rack of the inquisitor on the scrap-heap, which has dissipated the mists of superstition and broken the spell of out-worn hocus-pocus has been the spirit of Montaigne" (p. 417).

In view of Professor Smith's undisguised sympathy for intellectual rebels it is strange to find him condoning Galileo's submission to the Inquisition and denial of "his true opinions". For this, says the author, "no one but a fanatical transcendentalist will blame him" (p. 51). Doubtless it is easy from the desk chair to recommend martyrdom; and "blame" is hardly the word we should apply to Galileo. Nevertheless, we cannot believe that it is "fanatical" to feel an admiration for Bruno and Vanini which does not extend to Galileo. Incidentally, one of the very few slips in the book puts Galileo's birth in the year 1546, instead of 1564 (p. 32).

As a witness to the deep researches of the author and a most valuable aid to the student of thought in the sixteenth and seventeenth centuries, a bibliography of sources and secondary books fills forty-five pages at the close of the text.

If the succeeding volumes of Professor Smith's work maintain the high standard set in the first, they will go far toward fulfilling the demand of Francis Bacon for "a just and universal history of learning" in the modern age.

DAVID S. MUZZEY

*The Rise and Fall of New France.* By GEORGE M. WRONG. New York, The Macmillan Company, 1928. 2 vols.—xiii, viii, 925 pp. $10.50.

Nearly a century has passed since Parkman began issuing those brilliant volumes which told the story of the rise and fall of New France. He had to search two continents for his sources and to make a sojourn among the Indians to learn his anthropology. Since his pioneering efforts historical scholarship has accumulated and made available a vast amount of original material relating to the efforts of France to found an empire in North America. Anthropologists have accomplished much in recovering the culture of the Indians. Professor Wrong had at his disposal a wealth of material from which to reconstruct the life in the French communities in the American forest. His two volumes are an important addition to the literature of American history.

The plan is comprehensive. Beginning with Polo's disclosure of the wonders of the Orient to an astonished Europe, the author

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outlines briefly the discovery of America and the penetration of Spanish and English influence into the New World. He even devotes chapter v to "The English on the Pacific Coast of North America". Against such a background he narrates the story of seventeenth-century French exploration and settlement. He has a long account of the work of Champlain and of the Jesuit missionaries. Using the accounts of contemporary French observers he presents a vivid but incomplete picture of life among the Hurons. He recounts with great detail the prolonged and bloody wars of the Iroquois against Huronia and New France. He tells fully the story of the politics of New France from the beginning to the end of the colony. The jealousies and conflicts between civil and ecclesiastical authority are described. Conflicts within the Catholic Church in New France are made clear. Professor Wrong tells the story of expansion, the exploration of the interior of the continent and the attempt to establish French power in the valley of the Mississippi. He suggests from time to time conditions in France which had a bearing on the progress or retrogression of the colony. With the exception of two chapters the second volume is given up to an account of the wars in North America between France and England which led finally to the overthrow of New France.

The book has no footnotes. An appendix gives the references for each chapter. The index, which omits such words as "fur trade" and "education", leaves much to be desired.

Professor Wrong's book is primarily a narrative. One of its most conspicuous qualities is the fairness with which many difficult and controversial questions are handled. It is a friendly gesture from English-speaking Canada to the French Canadians. A useful feature of the book is the pointing out of colonial origins of modern French-Canadian customs and points of view. In one of the less convincing passages (p. 650) Professor Wrong seems to suggest an origin in New France of that national spirit which characterizes twentieth-century Canada. The New France with which the author deals lies in the valley of the St. Lawrence. Acadia and particularly New Orleans receive scant attention.

The student of social history will find the work disappointing. Beyond a brief and excellent description of the feudal system in New France there is little effort to reconstruct the society and culture of the colony. There is no adequate discussion of the fur trade. In spite of the large amount of space devoted to the Church, the influence of that great institution for good and ill in the life of the

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colony is not fully presented. There is a brief description of rural life along the banks of the St. Lawrence and behind the dykes which bordered the Bay of Fundy, but there are only suggestions of the town life of Quebec and Montreal. The reader gets a sharp picture of the Jesuits among the Indians, but the trader among the same people is a shadowy figure and the life of the frontier posts is scarcely mentioned. In fact after the story of the Black Robes is concluded, the discussion of race relations is almost non-existent. In dealing with the Indians one feels the author, in spite of obvious effort to avoid the danger, falls too much into the spirit and point of view of the Jesuit narratives. The Iroquois appear practically always as the ferocious enemies of New France. There is no attempt to present objectively their peculiar culture and ambitions. The western and southern Indians, so important in the French economic scheme, are scarcely mentioned.

In spite of the omissions the book is a notable work. It will doubtless remain for many years the standard reference for the political history of New France.

RALPH HENRY GABRIEL

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*Agricultural Reform in the United States.* By JOHN D. BLACK. New York, McGraw-Hill Book Company, 1929.—x, 511 pp. $4.00.

In the long attempt of farmers in the United States to better their situation through pressure on Congress there have been two general kinds of belief. There have been those who urged some direct governmental interference to insure diversion of a larger share of income to agriculture; and there have been others who have maintained consistently that farmers must, like others, merely be assisted to help themselves. In the practical effort to shape a program this amounts to more than an academic difference of opinion. The one group favors a marketing service which, subterfuge aside, involves governmental monopoly of the trade; the other prefers to modify *laissez faire* as little as possible, giving way only so much as is necessary to build up something like bargaining equality, supplying governmental permission, technical advice and some interest-bearing funds, but little else.

It will be noticed that the emphasis in either case falls on marketing rather than on production and that both programs have to do with influences on price. The effect of each, if they worked

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equally well, would be the same. They would make farming, as it is now conducted, more profitable. The decade of discussion and agitation which is now being completed has not settled any of these problems. But political chance has determined that legislation should be of one sort rather than the other. There has not been a complete acceptance of the extremist point of view that farming, if left alone, would gradually find its destined place in our national economy—that inefficiency would in time eliminate itself and reorganization take place as it does in other fields. But this attitude has been sufficiently prevalent all along to prevent any startling experiments in control. There were several occasions in which last-ditch defenses had to be resorted to because the conservatives, as usual, were content to be critical rather than constructive, and because the intelligence and force of the radicals were formidable. When the last McNary-Haugen bill could only be stopped by presidential veto, it seemed, indeed, that we were on the point of really drastic measures. It is probable that if there had been no change in administration immediately following, the ideas embodied in these bills would finally have prevailed. But President Hoover is another kind of conservative; he appears to be convinced that the system in which he believes can best be supported by showing that all groups in society can prosper in it. "Assisted *laissez-faire*", Mr. Black calls it, and the phrase is a good one. When it came to legislation which should embody this belief, there emerged the measure which is now having its first trial. The book here under review is one of the adventures scholars sometimes make in the hope of assisting in the formation of public policy. It was written to clarify the issues sure to be prominent in the discussion of the pending legislation. Like so many attempts of this sort, it could not be issued soon enough to be of any aid to the legislators; it remains, therefore, of use only in the long-run sense. For the farm problem is not necessarily settled. All those who believed in a different kind of action are still intransigent. They feel that the farm board with its four per cent loans will prove to be so small a factor in genuine relief that soon the whole question will once more emerge for discussion. And those others—who are a distinct minority, of course, but who are perhaps most solidly based—who contend that nothing in the marketing line is good enough, but that sooner or later a national plan of production must be employed, remain as unconvinced as ever.

These latter groups will be thankful that Mr. Black and his

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associates undertook this pioneering task. They will understand that it was done in haste and will make allowances. After all, it is a worthy effort to assist in making laws. In spite of some criticisms which can be charged to this account, they will appreciate the first history of an interesting decade of discussion, and will consider carefully Mr. Black's own memoranda on the necessitous case of agriculture.

It is impossible here to discuss in detail a book which covers such a spread of material. It seems best for this reason to concentrate on the scheme put forward by Mr. Black as his own attempt at the solution of a difficult problem. This is outlined in the third section as the "transferable rights plan", after sections devoted to "the setting" and "the surpluses". It is one chapter in a general section on "price raising by governmental action". It is, therefore, inserted only after discussing the economic situation which causes a need for relief and after making the necessary distinctions concerning the confused term "surplus", about which so much recent controversy has centered. Not everyone has been aware that there are not one but three "surpluses"—long-run, weather and seasonal, and that it must be made clear which of these it is proposed to circumvent. And even fewer people, apparently, have realized the central position occupied by tariff mechanisms in the proposals which have been most seriously considered. Any solution, it is clear by now, has to meet certain conditions fixed (1) by the facts of surplus, (2) by American determination to retain protection, and (3) by a general desire not to abandon the essentials of a *laissez-faire* tradition. These conditions are met, Mr. Black believes, by his "transferable rights" domestic allotment plan.

He begins by defining it as follows:

> The essential principle . . . is paying producers a free-trade price plus the tariff duty for the part of their crop which is consumed in the United States and this price without the tariff duty for the part of it that is exported, this to be arranged by a system of allotments to individual producers of rights to sell the domestic part of the crop in the domestic market.

These allotments would be made on a township basis, subject to periodical revision, and would be represented by paper scrip. This would pass with the crop to its processors and would have to be displayed to internal revenue officers on sale of the finished product. There would thus arise a new kind of negotiable paper which might serve as a basis for credits and for insurance. The probable work-

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ings of the plan for wheat and cotton are suggested in some detail. There would be required a central governing board to supervise. Quotas would be determined by the Division of Crop and Livestock Estimates; and individual allotments would be made by state allotment commissions.

It is Mr. Black's contention that this "would make the tariff effective" in a more direct sense than do other plans, for the allotment rights would be "worth an amount per bushel which equals the amount of the tariff duty, except for discounts and transportation and quality differentials." It is not exactly clear to the reviewer why this is so, unless it is believed that the scheme will so reduce supply that market bidding will ensure the necessary price. The series of figures for wheat cited at page 283 implies that no other controls are contemplated.

In the summary of advantages and disadvantages, it is admitted that there are administrative complexities and that other difficulties may occur to those who object to any governmental interference, but the author fails to take account of the possibly serious constitutional problems involved in enforcement. It is the writer's belief that some such scheme will have to be adopted in the long run. In fact there have been other suggestions of a similar sort. Dr. Spillman is the author of one, for instance, and the present writer advanced a very similar one to the Democratic campaign committee in 1928. This last would have attempted to surmount the constitutional objections by making it mandatory for the transportation and storage agencies to accept only produce carrying allotment rights. These are public utilities and subject to governmental supervision in any case, so that less resistance to supervision might arise by this method. But it is at least interesting to note the growing number of students of the problem who feel the first necessity for insuring reduced surpluses and who are feeling for unobjectionable means to enforce a rounded production program.

Mr. Black's book, besides being a pioneer historical study, is therefore a welcome contribution to the discussion of practical means for relief. It would be more welcome if there seemed to be any public disposition to consider the actualities of agriculture's case and to press for a workable scheme of control.

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